



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 21 August 2018

Committee:
Central Planning Committee

Date: Thursday, 30 August 2018
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Ed Potter

Kevin Pardy

Keith Roberts

David Vasmer

Vacancy

Substitute Members of the Committee

Peter Adams

Roger Evans

Hannah Fraser

Ioan Jones

Jane MacKenzie

Alan Mosley

Harry Taylor

Dan Morris

Lezley Picton

Claire Wild

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes - To Follow

To confirm the Minutes of the meeting of the Central Planning Committee held on 2nd August 2018 – To Follow.

Contact Michelle Dulson on 01743 257719.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2.00 p.m. on Wednesday, 29th August 2019.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Land Off Greenfields Recreation Ground, Falstaff Street, Shrewsbury - 17/05234/FUL (Pages 1 - 54)

Erection of 15 dwellings (including 2 affordable) to include new access road and associated parking (amended description).

6 Caterpillar Defence, Perkins Engines, Lancaster Road, Shrewsbury - 16/04558/FUL (Pages 55 - 74)

Erection of new reception building, works to existing industrial, office and welfare buildings including external alterations, construction of a canopy structure between Buildings 2 and 3, clearance of space to accommodate the future expansion of Building 3 and the laying out of a replacement 275 space car park together with all associated landscape, engineering and accommodation works.

7 Caterpillar Defence, Perkins Engines, Lancaster Road, Shrewsbury - 16/04559/OUT (Pages 75 - 108)

Outline application (access for consideration) for residential development (up to 140 dwellings) including demolition of building 1; formation of access roads and associated highways, engineering and accommodation works (REVISED SCHEME).

8 Proposed Affordable Dwelling, West Of Moat House, Stapleton, Dorrington - 18/01707/FUL (Pages 109 - 118)

Erection of an affordable dwelling and detached double garage, installation of septic tank.

9 Theatre Severn, Frankwell Quay, Shrewsbury - 18/02941/FUL (Pages 119 - 126)

Installation of steel external steps from the first floor level to ground level.

10 1 Ferndale, Annscroft, Shrewsbury - 18/02015/FUL (Pages 127 - 136)

Erection of a two storey side extension and porch to front.

11 Conduit Head, Nobold Lane, Shrewsbury - 18/02910/FUL (Pages 137 - 148)

Creation of larger car parking area and the provision of lock up storage unit.

12 Schedule of Appeals and Appeal Decisions (Pages 149 - 150)

13 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 27th September 2018 in the Shrewsbury Room, Shirehall.

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<u>Committee and date</u>
Central Planning Committee
30 August 2018

<u>Item</u>
5
Public

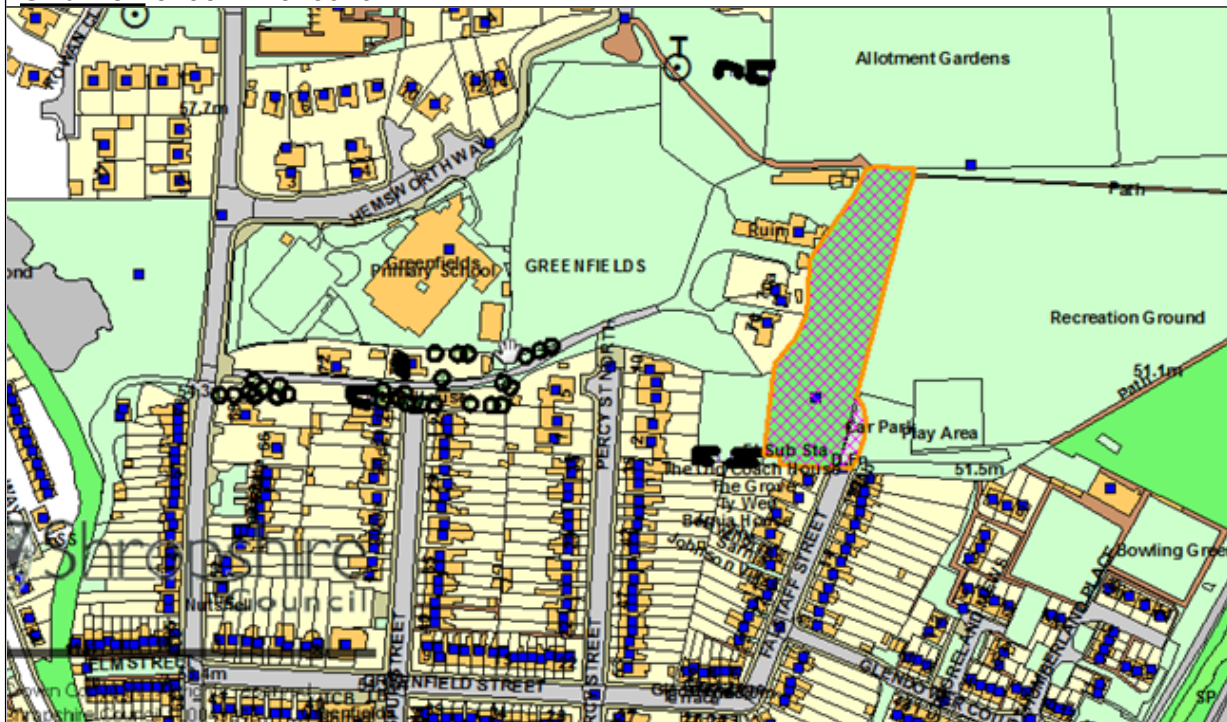
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 17/05234/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of 15 dwellings (including 2 affordable) to include new access road and associated parking (amended description)		
<u>Site Address:</u> Land Off Greenfields Recreation Ground Falstaff Street Shrewsbury Shropshire		
<u>Applicant:</u> CSE Developments (Shropshire) Ltd		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 349547 - 313919



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Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure 2 affordable houses.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of 15 dwellings to include 2 affordable and the provision of a new access road and associated parking.
- 1.2 It is a revised application to that reported to members at the 15 February 2018 Central Planning Committee which was for 17 dwellings. At that meeting Members resolved *‘That consideration of the application be deferred to a future meeting of this Committee for further discussion in relation to the tree survey and an amended site layout if necessary as a result’*.
- 1.3 The application has been amended and now indicates 15 dwellings with a revised house type for plot number 1 to allow more space around the protected Lime Tree at the entrance to the site. In all other respects the application remains much the same to that previously submitted with access being provided off the end of Falstaff street and the provision of two parking spaces per dwelling with two additional visitor parking spaces.
- 1.4 This report supersedes and replaces the previous report. All issues will be considered in relation to the most up to date and latest revised version of all the information, documents and drawings submitted.
- 1.5 Any references to the NPPF have been amended to reflect the new paragraph numbering of the revised NPPF July 2018.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is an overgrown vacant piece of land to the west of Greenfield recreation land and was previously owned by Shrewsbury Town Council. The trees that remained on the site following its previous use as a tree nursery were cleared prior to the submission of a planning application by the Town Council in 2012 for residential development of the site for 8 large detached dwellings that were described as ‘eco homes’.
- 2.2 The site is accessed off the main Ellesmere Road into Shrewsbury via the residential streets of Greenfields and Falstaff Street to the South. To the North of the site are allotments, to the East the Greenfields Recreation Ground and to the West two detached dwellings, and Greenfields School lies further to the West.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The local member requested that the application be determined by committee and the manager with responsibility for development management in consultation with the committee chairman and vice chairman agreed the request to be based on material planning reasons. Members at the February Central Planning Committee

resolved '*That consideration of the application be deferred to a future meeting of this Committee*'

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **CONSULTEE COMMENTS** (The consultee comments below are a summary of the latest received from all consultees and the full version of all comments received can be viewed on the planning file viewable in public access.)

4.1.1 **SC Archaeology (23 November 2018):**

The proposed developed site is located east, and within the former grounds, of Greenfields house, which are understood to have been laid out in the mid-19th century. Whilst the Historic Environment Record does not contain any records relating directly to the proposed development site itself, there are a number within the near vicinity of it. These include a Roman rectilinear enclosure (HER PRN 04713) c.140m to the north-west; finds of worked flint (HER PRN 01579) and a Late Bronze Age socketed axe (HER PRN 02619) from the allotments immediately to the north; and an Early Neolithic stone axe (HER PRN 01582) from the northern end of Falstaff Street. In addition, it is understood that the land adjacent to the site was used as a prisoner of war camp during World War II (HER PRN 29129). On present evidence, the proposed development site is therefore considered to have low-moderate potential for archaeological remains of prehistoric, Roman and 20th century date.

An Archaeological Desk Based Assessment by the Centre of Archaeology at Staffordshire University has been submitted with the application in relation to requirements set out in paragraph 189 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan. On the basis of the archaeological potential of the site as outlined above, the Assessment concludes that further archaeological mitigation is necessary.

Given the findings of the Assessment it is advised, in relation to paragraph 189 of the NPPF and Policy MD13 of the Local Plan, that a phased programme of archaeological is made a condition of any planning permission. Given the nature of the proposed development, this should comprise an initial evaluation trenching exercise followed by further mitigation as necessary.

4.1.2 **SC Highways (22 May 2018):** Please note that, from a highway and transport perspective and in the context of the planning application consultation process, the general principle of the proposed development remains acceptable, with the proposed reduction in dwellings (i.e. 15). Together with all previous comments, conditions and informatives made in the former Highway Advice Notes.

As previously stated, Greenfields/Falstaff Street for its entire length, is subject to considerable congestion due to on-street car parking. This occurs on both sides of the carriageway, principally by existing residents, who have no other means of off-street parking provision. This results in specific difficulties for both cars and larger vehicles accessing the area, and remains of considerable concern to the local community, as demonstrated by the individual local objections and the Greenfields

Community Group. However, it should be remembered that this situation already exists and is a product of the existing car ownership/travel patterns of the local community, and will therefore continue regardless of whether this development proceeds or not.

This development is not contributing to the local on-street parking issue, as it is actually providing adequate off-street parking for the new dwellings. Therefore, this application can only be considered on the basis of the new additional traffic impact on the local highway network.

'Greenfields' is a relatively large residential area served by a number of cul-de-sac streets, including Hotspur Street, Percy Street, Falstaff Street, Glendower Court, Northumberland Place, etc. All of which feed into Greenfields Street, which provides the only means of vehicular access to Ellesmere Road (A528) and the wider highway network. These local streets are principally bounded closely on both sides by over 300 terraced houses, together with a much smaller number of detached/semi-detached dwellings, a Church, two recreational facilities (public and private), allotments as well as a few small businesses. It is likely that this level of existing development (equivalent to 350 dwellings) could potentially generate in excess of 2000 traffic daily movements. This includes about 450 trips, taking place within the busiest peak hour (worst case). However, given the proximity of a number of local amenities, (i.e. school, town centre, employment, railway/bus station, etc.) then it is likely that a relatively high proportion of sustainable travel movements could be undertaken. Thereby reducing the overall amount of traffic movements in the area, as reflected by the traffic numbers recorded within the unofficial survey undertaken by the Greenfield Community Group.

The proposed development of 15 new dwellings, when considered in the same way as the existing established development of Greenfields, could potentially generate about 90 trips per day, including 20 trips within the busiest peak hour. This equates to less than a 4.5% increase in traffic along Falstaff/Greenfields Street (worst case). It should also be remembered that prospective residents of these new dwellings could adopt the same sustainable forms of travel, such as walking and cycling, as enjoyed by the existing Greenfields residents. Thereby further reducing the potential impact of any new vehicular movements along Greenfields Street. In addition, it is known that general traffic volumes can fluctuate daily by as much as 8%, in and around Shrewsbury. Therefore, it is not considered that, in this case, there is sufficient enough traffic generation to contribute to the likelihood of 'severe harm' as required to be demonstrated by the development, as defined in the National Planning Policy Framework to warrant a reason for refusal on highway safety grounds.

Notwithstanding the above, the greater impact generated by this new development will be specifically during the construction phase, where there could well be some difficulties for HGV deliveries. It is considered therefore, that a suitable construction traffic management plan and community liaison protocol is established to manage large vehicle movements in/out of the site and along Falstaff/Greenfields Street, to minimise the impact of such vehicles on the local streets and community.

Furthermore, local concern has been expressed in respect to this development

proposal, having a negative effect on the existing public rights of way and cycleways, and in particular the safety of pedestrians and cyclists, especially children, both within and around the Greenfields Recreation Ground. From a highways and transport perspective such concerns and vulnerable users are always carefully considered. However there is no evidence that these proposals will have any negative impact on pedestrian or cyclist safety, at this location. The estate road proposed, to serve these new dwellings, is to be constructed to an adoptable standard, so that it can become an extension of the existing public highway. Where this new council asset crosses or bounds an existing PROW or foot/cycleway, then it will be necessary for the developer to implement all appropriate temporary safety requirements during construction. With any completed infrastructure providing unimpeded accesses for all users to these pedestrian/cycle facilities. Indeed, in all likelihood this new development and the estate road will define these pedestrian/cycle routes more clearly and may in turn make their usage more attractive to potential users.

4.1.3 **SC Waste Management (11 July 2018):** No comments

4.1.4 **SC Rights of Way (8 November 2018):** No Definitive Public Right of Way will be affected by the development.

4.1.5 **SC Drainage (14 November 2018):** The proposed surface water drainage strategy in the Flood Risk Assessment and Drainage Resume is acceptable in principle. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

4.1.6 **SC Trees (20 August 2018):** I have reviewed the further information submitted in the amended Proposed Landscape Plan (PL-010-G) and the amended tree report (access2trees, Rev 3, August 2018) and I can confirm that between them they address almost all the concerns I had raised in my previous consultation response (dated 18th July 2018).

My only remaining concerns are that:

i) the proposed facilitation tree pruning works are ambiguous in part and should be clarified and more clearly specified to the written agreement of the LPA; and

ii) none of the submitted plans clearly show the location of the areas where special 'no-dig' construction techniques are to be employed within the root protection area of retained trees and hedges. This information can only be gleaned from reading the text within the relevant sections of the Arboricultural Method Statement (Section 11 of the tree report), but given its importance to the successful retention of trees on the site, I believe it should be more readily visible on key plans such as the General Arrangements Plan, the Proposed Site Layout or the Tree Protection Plan.

However, in the interests of expediency I consider that these issues could be addressed through the use of suitable conditions to any permission granted for this application.

(18 July 2018): I have visited the site and reviewed information submitted with this

application and can report that whilst having certain reservations about the scheme, chiefly regarding the proximity of retained and adjacent trees to the proposed dwellings, I do not consider them sufficient to object to this application on arboricultural grounds, for reasons more fully explained below. (For ease of reference I have underlined those sections of this consultation response where I recommend further clarification or suggest amendments to submitted plans and documents).

A number of amendments have been made to the original layout and design, as can be seen in the amended General Arrangements Plan (FS-GA-200 D), the amended Proposed Site Layout (PI-002 G) and the amended Proposed Landscape Plan (PL-010 F). An amended tree report has also been submitted (access2trees, Revision 02 – July 2018).

The key amendments with regards to tree-related issues can be summarised as follows: the three originally proposed southern-most units, closest to the protected lime tree (T1 in the tree report), have been merged into a single unit. This unit has subsequently been reduced in size and units 5 – 11 have been realigned to increase the rear garden space between the properties and the trees behind them along the western site boundary. The new vehicular access point to the site has been realigned slightly so as to reduce potential impact on the roots of T1. The majority of the hedgerow along the eastern boundary is to be retained, but most of the poorly formed young trees within it are proposed to be removed and replaced with a double staggered avenue of new trees either side of the existing path, half within the hedge and half on neighbouring land (with the agreement of the owner).

Direct Impacts of the Proposed Development

i) Tree felling and hedge removal:

The Arboricultural Impact Assessment of the tree report (section 10) identifies a total of sixteen trees to be felled. Four of these are classed as category 'U' and as such are unsuitable for retention irrespective of any development at the site. Of the remaining twelve trees, nine are category 'C' trees of low quality and three are category 'B' trees. The Council would generally seek the retention of category 'A' and 'B' trees within a development. In this case, one category 'B' tree (T13 – a mature sycamore on the western boundary) is identified for removal due to unavoidable root damage as a result of construction of the sewer link for the development. Two other category 'B' trees (T29 & T31 – both semi-mature ash in the hedgerow along the eastern site boundary) are suggested for removal due to possible infection with ash die-back disease and structural defects. Whilst I do not agree that these trees are in such a poor condition as to warrant their removal at the current time, for the sake of consistency and uniformity in the avenue of replacement trees to be planted under the landscape proposals for the scheme, I do not object to the removal of these ash trees as part of the current application.

In addition to the trees to be felled, short sections of the hedgerow on the eastern boundary (H1) are to be removed to create vehicular and pedestrian accesses to the site. Whilst no direct hedgerow replacement planting is proposed, I consider this level of hedgerow loss to be relatively minor and acceptable. Sections 10.1.19 -

10.1.21 of the tree report deal with mitigation replacement planting, should hedgerow H1 in fact be removed in its entirety. I would strongly resist removal of the whole hedge, since appropriate 'no-dig' construction techniques for those parking bays and sections of access road that fall within the root protection area of the hedge can be employed to avoid causing excessive root damage (further discussed below). Thus there should be no need to remove the hedge.

ii) Incursions into the Root Protection Area of retained trees and hedge:

The amended layout will require construction activity within the root protection area (RPA) of a number of trees and hedge, as follows: the south-east corner of unit 1 impinges fractionally into the adjusted RPA of the protected lime tree T1. In response, it is proposed that this dwelling be constructed using screw pile and beam foundations to minimise potential root damage from excavations for strip foundations. Also, a permeable gravel path and parking area are proposed to the south and east of unit 1. These impinge marginally into the RPA of T1, to the extent of 5% of its total surface area. I consider this level of incursion to be acceptable, but in any event the proposals are to use a 'no-dig' form of construction for the path and parking bays, utilising a 3D cellular confinement system. This should avoid damaging the roots beneath these hard surfaces. In connection with this point, the Tree Protection Plan (Appendix 2 of the tree report) shows the tree protection barrier to be installed around the margin of the adjusted RPA of T1. However, once development starts, this barrier will need to be set back along the edges of the path and parking bay in order to allow construction of the 'no-dig' surfaces and I would recommend that this be reflected in amendments to the Arboricultural Method Statement (section 11 of the tree report) and Tree Protection Plan.

In passing, I would suggest that there may be merit in changing the parking bays to unit 1 from the proposed loose gravel surface to porous block paving, to match the rest of the scheme and also reduce the chance of gravel being displaced onto the access road.

Incursion into the RPA of trees T11, T16 and T17 and groups of trees G1, G3 and G7 will be necessary to create pedestrian access and refuse bin paths to serve the rear of mid-terrace units 7 and 10. A similar treatment is proposed for construction of these paths as for that in unit 1, ie a 'no-dig' method comprising a 3D cellular confinement system with a porous surface dressing. I consider that this should be suitable to avoid causing undue damage to roots of the trees. However, a temporary setting-back of the tree protection barrier will be required in order to allow construction of the paths. I would recommend that this is reflected in amendments to the Arboricultural Method Statement and Tree Protection Plan (section 11 and Appendix 2 respectively of the tree report). Similar amendments should be made to cover works within the RPA of trees T23 and T26, as described below.

The parking bays for units 5, 7, 10 and 15, the two visitor spaces and part of the access drive (running from alongside retained hedgerow tree T26 northwards past units 12 – 15) fall within the RPA of the boundary hedge H1 and retained hedgerow trees T23 and T26. Construction of the parking bays, road and associated kerb edging have the potential to cause significant damage to the roots of retained trees

and hedges. Section 11.1.18 of the Arboricultural Method Statement recommends a 'no-dig' 3D cellular confinement system be employed for construction of the access road and associated edging within the RPA of trees T23 and T26. It does not, however, make any reference to the parking bays running alongside the hedge H1. I consider it essential that a 'no-dig' method of construction is also employed for these parking bays and I would urge that the Arboricultural Method Statement and Tree Protection Plan are amended accordingly. Careful consideration will need to be given to the form of edging to be used on the hedge side of the cellular confinement system.

Whilst referenced in the text of the tree report, the 'no-dig' construction zones are not identified on any of the plans that I have seen. Given its importance to successful tree and hedge protection during any approved development, I would recommend that all key plans to be used on site (including but not necessarily limited to the 'General Arrangement', 'Site Layout' and 'Proposed Landscape' plans) be amended to also clearly show the location of the zones of 'no-dig' construction.

Finally, section 11.1.19 of the Arboricultural Method Statement recommends that porous asphalt is used for the surface dressing in the 'no-dig' construction areas. However, this does not accord with the Proposed Landscape Plan, which shows block paving as opposed to tarmac for the parking bays alongside hedge H1 and the northern end of the access drive and parking bays in front of units 12 -15. This discrepancy between the plans should be rectified and either porous asphalt or block paving specified and used on all approved plans and drawings as relevant. For consistency of appearance with other parts of the development, I would suggest that block paving would be preferable to porous asphalt, but whatever surface dressing is chosen, it is essential for ongoing root health and growth that it be permeable to water and air.

iii) Facilitation pruning works:

The tree report notes that due to suppression and competition from neighbouring trees, many of the trees along the western boundary have unbalanced crowns with over extended branches to the east (ie projecting over the site). A number of trees are identified within the tree survey schedule (Appendix 1 to the tree report) for some or various combinations of the following pruning works: 'canopy raising' to 5m (although T1, the protected lime tree, is scheduled for canopy raising to 6m); 'crown reduction' by between 10 and 20%; and 'end weight reduction' by between 10 and 20%. The need for canopy raising is not questioned in light of the proposed residential development, but I am not convinced of the need to raise the canopy of T1 to 6m – perhaps to this height over the access road, but I consider that it should be restricted to say 3m canopy clearance over the grassed area to the south-east of unit 1. Also, I am not convinced of the need for overall reduction and reshaping of the canopy of T1, or the need for crown lifting of the protected London Plane (T3, located offsite). Further, the tree report does not explain what is meant by the percentage figures given for canopy or end weight reduction – for example does this refer to volume, or branch length? For clarity and the avoidance of doubt I would prefer to see a specification which describes these works for each tree in terms of maximum length of branch to be removed and remaining canopy

dimensions (height and spread) and the maximum size of pruning wound to be created. I would recommend that, should permission be granted for this application, a pre-commencement condition is used to ensure that the facilitation tree works are clarified and re-specified to the written satisfaction of the local planning authority prior to works taking place on site.

Indirect Impacts of the Proposed Development

Once constructed, even after the proposed canopy pruning works, many of the units will have rear elevations facing mature trees or groups of trees, with branches extending to within metres of their houses. Whilst purchasers will have bought their properties in full knowledge of this fact, the proximity of these trees is likely to lead to future concerns arising from for example excessive shading, overbearing presence, worries about safety and seasonal nuisance issues. It could be argued that householders have the right to prune overhanging trees, but the ultimate size of the trees and proximity to the dwellings means that such pruning would be a periodic and ongoing maintenance requirement. The currently submitted layout has moved some units further from the western boundary, by foreshortening the amenity space to the front of the properties. It is hoped that this, in combination with the option of periodic pruning as necessary, will be effective in providing a reasonable degree of separation between the trees and houses.

Landscape Proposals

i) Boundary treatment:

The proposed Landscape Plan depicts 1.8m high closeboard fencing to the rear boundaries of all the units. This runs through the RPA of all trees along the western site boundary and excavations for the post holes could potentially damage the roots of these trees. A suitable specification for erection of the boundary fence (for example encompassing hand digging and micro-location of the post holes and sleeved foundations) should be prepared and inserted into an amended Arboricultural Method Statement and/ or landscape plan.

ii) Tree planting details:

The Plan proposes creating an avenue of a fastigate variety of English oak trees. I support this species selection – ‘Koster’ is a variety that keeps an upright, compact shape that should form an attractive landscape feature for the future without overly dominating the frontage of the new properties. However, the proposed size of the trees to be planted is 10-12cm girth ‘standard’ and given that half the trees are to be planted into gaps within an existing 2m high hedge, for a more visible and immediate impact I would recommend that the tree size be increased to at least 12-14cm girth, ‘heavy standard’ size. For quality and likely success in establishment, I would recommend that stock grown in specialised tree growing containers (such as ‘air pots’, or the Barchams tree bag) be specified, rather than rootball or bare root planting stock.

The new trees are to be planted alongside an existing tarmac surfaced path and, in the case of the trees within hedge H1, alongside newly created parking bays and

access road. In order to forestall future problems of root growth disrupting these hard surfaces, a suitable planting pit specification should be provided, incorporating an approved proprietary root barrier with root deflecting ribs to a depth of 45cm – 60cm, installed in accordance with manufacturers guidelines on all sides of the tree bordering a hard surface.

Finally, given the public nature of the planting site, I would recommend that a specification be provided for an appropriate tree protective barrier to be installed around each newly planted tree, to deter vandalism.

I would suggest that the amendments to the landscape proposals outlined above, if accepted, could be incorporated into a final approved plan, under a landscaping condition to any permission granted for this application.

Ideally I would prefer my recommendations and suggested amendments to the tree report (the Arboricultural Method Statement and Tree protection Plan), if accepted, to be incorporated within a revised document and plan prior to determination. If, however, there is not time to do this I accept that it would have to be done under condition, should permission for this application be granted.

4.1.7 SC Ecology (20 November 2017): An Ecological Assessment was carried out on this site in September 2017 by Star Ecology.

Habitats

Habitats on the site consist of scattered scrub, felled broadleaved woodland (approximately 10 years ago), saplings, tall ruderal vegetation, a species-poor hedgerow with ornamental trees along the eastern boundary, a mature lime tree in the south-east corner of the site and fencing along the western boundary. 'The stumps of felled trees remain and the majority of these have started to re-grow.'

The landscaping scheme should include tree and shrub planting using native species of local provenance.

Bats

There are no potential roosting features on the site, although bats are likely to forage on the site.

The lighting scheme for the site should be sensitive to bats and follow the Bat Conservation Trust's guidance.

Bat boxes should be erected on the new dwellings to provide potential roosting opportunities for bats.

Birds

The trees, hedgerow and scrub provide potential nesting opportunities for birds.

Works should ideally take place between September and February to avoid

harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

Bird boxes should be erected on the new dwellings to provide potential nesting opportunities for birds.

Other species

The site is suitable to support badgers and hedgehogs and suggests working methods to protect these species during the works.

Recommends conditions for inclusion on the decision notice.

Badgers (07 March 2018)

No further badger survey is required. The working methods (closing trenches etc.) will ensure that any badger that may enter the site during the works will be protected from harm.

- 4.1.8 **SC Parks and Recreation (20 November 2017):** Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom.

Based on the current design guidance the development (17 houses) will deliver 57 bedrooms and therefore should provide a minimum 1710m² of usable public open space as part of the site design.

Currently the site design plan does not identify any POS provision and therefore it does not meet the MD2 policy requirement. The site must be redesigned and altered to meet the policy requirements.

The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

- 4.1.9 **SC Learning and Skills (17 November 2017):** Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity. With future housing developments in the area it is forecast they will exceed current capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. In the case of this development it is recommended that any contributions are secured via CIL funding.

- 4.1.10 **SC Regulatory Services (28 Feb 2018):** Regulatory Services has already commented on a previous application to redevelop this site (12/00620/OUT) and

conditions in respect of contaminated land were included in the Decision. As far as Regulatory Services is aware, no information has been submitted in respect of any site investigation and therefore our comments remain as previously made:

In 2010, Shrewsbury Town Council were informed that Shropshire Council had concerns regarding the proposed use of this piece of land as allotments and possible future development with residential as it was suspected that the land may be contaminated.

It has been known for many years that the Greenfields Recreation Ground was used as a tip but the full nature, extent and depth of the waste has never been determined but it is likely to be similar in nature to that known to have been tipped on land to the south extending down towards Coton Hill.

Given the proximity of the proposed development site to a known historical tip it is not considered unreasonable to think that the made ground may extend onto this site and therefore if this full application is approved, the following conditions in respect of contaminated land should be attached to the approval and any assessment should also include potential risks from soil gases and also risks to controlled waters as the area is particularly sensitive in this respect.

4.1.11 **Natural England: (6 March 2018):** The Standing Advice for badgers states that a survey for badgers should be undertaken if 'there are signs of setts or badgers in the development site or nearby'. In determining a planning application, it is the responsibility of the Local Planning Authority to ensure that protected species issues are fully considered and that ecological surveys have been carried out where appropriate. Natural England has issued Standing Advice to assist Local Planning Authorities and developers in deciding whether there is a reasonable likelihood of protected species being present on a proposed development site. It provides detailed advice on those protected species most often affected by development to enable an assessment to be made of the suitability of a protected species survey and, where appropriate, a mitigation strategy to protect the species affected by the development. Standing Advice is a material consideration in the determination of applications in the same way as bespoke advice provided by Natural England.

4.2 PUBLIC COMMENTS

4.2.1 **Veolia (03.05.2018):** Comments that this area already creates issues for the collection of waste and recycling due to single very tight access. Seeks confirmation of how refuse vehicles will access the properties and how the waste receptacles would be housed at the developments and where the collection points will be.

4.2.2 **West Mercia Constabulary (17.11.2017):** Provides advice with regards to 'Secured by Design'.

4.2.3 **Shropshire Fire and Rescue Service (10.11.2017):** Provides advice with regards to Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'.

4.2.4 **Sustrans (18.07.2018):** Sustrans has looked over the new plans submitted by the developer. We have also further investigated local residents concerns, that the proposed development will involve the diversion of the existing cycle route through the park.

We feel reassured that the existing route will not be diverted. As explained by Jane Raymond from the planning team:

The existing cycle route will remain as it is and is not being diverted. The first part of it is not currently defined and is part of the car park and entrance to it. The only change is that the first left hand corner of the car park and access to the car park will also be used by vehicles, cyclists and pedestrians to access the new development. A section of hedge will be removed. The new development will include its own road and pavement, and cyclist and pedestrians will also be able to use that and then join back up with the existing cycleway if they wish.

So, users of the route will still be able to continue as they do now, but there will be the option of using the new development for access, if desired. So this gives us reassurance on this point and also we hope to local residents.

All forms of traffic – vehicles, cyclists and pedestrians will be able to use the left hand corner of the car park to access the new development. We would particularly re-iterate our desire to see more resolved designs showing the integration between the access to the new development and the car park. We would expect this to allow for easy access to the park by pedestrians and cyclists, with adequate and well positioned dropped kerbs in place.

We do appreciate the concerns of local residents, there will be more vehicles using Falstaff Street to access the new development and particularly during the construction phase itself. However, having reviewed the planning documents again, we don't feel that at this stage we have any additional comments to make beyond our response posted on the 17th May. Should there be any further developments with the design proposal, we will of course be keen to review any changes.'

(17.05.2018): We have received confirmation that 'An informative will be placed on any planning decision for approval informing the applicant that the route must be maintained and continue to be unobstructed and available at all times (even during the construction phase)'. In principle provides us with re-assurance that the cycle route through Spring Gardens will continue to operate with the level of access currently offered.

We do appreciate the concerns of local residents that there will be significantly more vehicles accessing the new development from Falstaff Street and in the location of the cycle route. For 17 dwellings, based on two vehicles per household we would estimate roughly 68 additional vehicle movements per day, 476 per week accessing the development. However, the nature of the development, being a essentially a cul-de-sac, means that vehicles should be travelling very slowly, with drivers alert to the likely presence of pedestrians and children.

Our preferred treatment for this development would be a 'home zone' style, which emphasises priority for pedestrians and cyclists, with drivers essentially become a 'guest' in the street. This is often achieved through measures such as removal of centreline markings, fewer kerbs with reduced distinction between footway and carriageway. The use of alternative paving materials can also clearly signal to drivers that they are entering a area that is fundamentally different from normal road space. The current plans show a more traditional approach by the developer, so we feel there is an opportunity here for them to improve the quality of the streetscape proposed.

The submitted layout plans do not provide much detail about the integration between vehicle access to the development, the car park and the cycle route. We understand that revised plans for the development are due to be submitted. So whilst at this stage we are reassured that the route will be kept open and accessible, we would be keen to see design details for this integration included in the new plans.

4.2.5 **Sustainable Transport Shropshire (25.04.2018):**

The amendment seems principally to consist of a range of more detailed plans, which are welcome indeed.

However, not very much has changed. We can find no written explanation of the thinking behind any amendment. The danger introduced by the conflict between car traffic, people cycling, and people walking, remains the same.

(24.04.2018): The need to provide, encourage, and facilitate sustainable modes of transport is a key theme of the NPPF. Sustainable modes of transport are principally walking, cycling, buses, trains, which cause less damage to the planet, and bring health benefits to users.

Yet this proposal, which abuts a Walking/Cycling path, part of Shrewsbury's Cycle Network, does the opposite. It discourages the use of these more sustainable modes, by cutting across the foot/cyclepath and introducing conflict and danger with a new road.

It is perhaps symptomatic that the application scarcely mentions cycling. Generally, 'access' means 'access by car'. Cycling is just simply ignored.

On walking, 'it is envisaged that most pedestrian traffic will continue to use the wide pathway with the playing field site...Pedestrian access would be along a pavement on the west side of the new roadway' is all the Design and Access Statement has to offer (p9), neatly ducking also the issues of loss of recreation land, or ownership.

The impact of the scheme on existing users is not discussed, except the vague claim that 'pedestrian safety will be safeguarded and pedestrian connectivity will be enhanced.' We cannot find any specific proposals.

Another puzzle: '... (these) footpaths through the site will assist pedestrians, particularly school children, to gain access to the school premises' (Transport

Statement, B, para 2, p3). Again, no proposals for such footpaths could be found.

We support the call by residents for a Transport Assessment, as the condition 'whether: - the opportunities for sustainable transport modes have been taken up' has clearly not been fulfilled.

We believe the applicant has some way to go to satisfy the demands of the NPPF. Introducing extra danger to people cycling and walking must be opposed, and so we oppose the proposal.

- 4.2.6 **Shropshire Playing Fields Association (12.07.2018):** The nomination of the Greenfields Recreation Ground as an Asset of Community Value which includes the site access point at Falstaff Street has been approved and has been listed accordingly. The proposed point of access therefore conflicts with the confirmed nomination. The access point would appear to clearly be exclusive to the recreation ground site and therefore if this planning application were to proceed an alternate access point needs to be found.

Summary of comments received 29.04.2018 and 23.05.2018:

We note from previous cases (Radbrook College) that Shrewsbury Town Council have expressed and made a comment in relation to the provision of infant and junior play provision and that there should be a 25m/50m buffer zones between the play and recreation area and the nearest property.

The proposed houses lie within this 25/50metre buffer zone and therefore this proposal is not acceptable.

We assume the reason for this buffer zone would be to safeguard the interests of young children whilst playing on either the equipped play area or grass site from close surveillance by residents of the new homes.

We trust Shrewsbury Town Council have already commented on the proximity of potential residents to the play and recreation area and that this needs to be considered in the interest of childrens safety.

Objects to the proposed loss of a valuable public open space currently being used for natural adventure play by the young children in that nearby catchment.

This specific area of the recreation park provides the same kind of valuable ecological benefits that attracted young children like Charles Darwin less than 1 mile away to explore their natural environment through natural adventure play.

The site has been an integral part of the community and used for recreational activities by many residents, in a multi-functional manner for over 100 years meeting the needs of residents of all ages from that area of town.

The loss of this valuable designated public recreational open space would contravene the United Nations Charter on the rights of children to play.

The proposal will result in the erosion of a depicted open space and does not represent sustainable development as defined by the NPPF.

It is important to ascertain exactly what benefits if any, this proposal will bring future generations if this loss of open space were to be agreed.

We would ask that where a planning committee member represents both Shropshire Council and Shrewsbury Town Council they should be excluded from voting on this matter.

The LPA does not have a robust up-to-date assessment of the need for open space, sport and recreation facilities (as required by the NPPF) so cannot provide the critical evidence on which those eligible members can make an informed decision.

The land owner and applicant has not put forward evidence to show there is a quantitative or qualitative surplus of recreation land serving this local community and considers this lack of evidence (as required by the NPPF) gives grounds for this application to be refused.

Building on public open space is contrary to the NPPF as the applicant has provided no evidence to demonstrate a surplus of recreation provision, no attempt to replace the loss of open space with an equivalent piece of land and no attempt to provide alternative sports and recreation provision.

As well as not adhering to the NPPF it does not adhere to local policy as it is not providing on site open space as part of the design as required by MD2.

4.2.7 **Shrewsbury Town Council**

(09.08.2018): The committee were asked to reconsider this application due to amended plans received. Members were pleased to see that some of their comments had been considered according to the latest plans but felt the density of the site with 15 dwellings was still too high and therefore objected to the amended application. If the quantity of dwellings were reduced, Members would like to see the number of affordable units being maintained.

(24.05.2018): In considering the amended plans, members continued to support the general principle of development on the site; this having been established at outline.

However, in light of the considerable interest, Members did raise a number of concerns:

The extent to which traffic from the new development might compromise the safety of the pedestrians and cyclists. This area is promoted as a safe route to school using the path across the existing car park. Members were unsure why a second cycle path was required and, as it takes a longer route, were concerned it would be underused and the existing route would still be used.

If the need was to align the new road layout with cycle/footways then it would make more sense moving the hammerhead from the middle of the development site to the end so that cycle/pedestrian traffic could continue along to the exiting routes towards the school.

Members wished to see traffic calming measures conditioned to any approval.

The quantity of affordable housing is considered inadequate and Members would like to see at least 4 out of the 15 dwellings allocated to affordable housing, thereby addressing local concern of houses not meeting local need.

(24.11.2017): The Town Council raised no objections to this application.

4.2.8 **Cllr Alex Philips**

(17.06.2018):

In previous comments I stated that development on this site for 17 homes (later revised to 15) should not take place as it contradicted the Council's own policies within SAMDev and other legal documents, stating that no major development should be approved within the Greenfields area (following the approval of the Redrow and Lovells developments) until the North West Relief Road is built.

I believed that it should not be built as though the threshold for what constituted a major development was not defined in relation to this policy, it was defined elsewhere (the 14 homes threshold for what is defined as a major development for the provision of affordable homes).

However, I have looked into this further and I believe that this threshold should be lowered to 10 homes. This is for two reasons:

1. The Statutory Instrument (2010 no. 2184) relating to the Town and Country Planning (Development Management Procedure) (England) Order 2010, laid before Parliament on 9th September 2010 and coming into force on 1st October 2010, which states that a threshold of 10 homes should be applied for major developments (see part c(i) (parts D and E may also apply depending on final plans) Subsection 2 Interpretation under Part 1 Preliminary <http://www.legislation.gov.uk/uksi/2010/2184/made>

2. A Written Ministerial Statement in November 2014 by the then Housing Minister Brandon Lewis, correcting the anomaly of what is defined as a major development in general and for affordable homes, reducing the latter to 10 homes, making it in line with the Statutory Instrument noted above. Thus, though the Council was legally correct in previously granting permission for 8 homes on this site, this would not be the case if permission was granted for 15 homes on this site, as it would be going against its own policy, set out in SAMdev, of not granting permission for a major development (i.e. 10 homes or more, or the other conditions noted at D and E within the statutory instrument discussed above) until the North West Relief Road is built. Therefore, on the basis of the current plans permission should not be granted.

(09.05.2018):

The revised proposals do little to address the concerns that I had with this development when I originally objected to it in December 2017, and in fact add a couple of issues of concern.

To recap, my original objections, which still stand, included:

SAMdev (roads infrastructure)

If this application is approved it will be going against SAMDev and other Council documentation saying that there should be no significant development in the Greenfields area (following the Redrow and Lovells Developments) until/unless the North West Relief Road is built. Given that this development is above the threshold of 14 homes judged to define a substantial development for affordable housing this development can be considered significant.

SAMdev (general infrastructure)

SAMdev 3.15 and MD8 1 notes that consideration should be given to safeguarding existing infrastructure and only allow development where there is sufficient existing infrastructure capacity. On utilities infrastructure, sewerage pipes are already overburdened with blockages commonplace with resultant public health risks. These will be substantially increased by this development. This development also impacts negatively on parking and roads infrastructure (including the adjoining car park), reducing parking capacity, as it will be partly used by residents and visitors of the new development. It also places extra pressure on an already overburdened and polluted local road network. It also impacts on an existing and well used cycle path, cutting across it, therefore impacting environmentally friendly cycle trips, going against Council policies to encourage alternatives to car travel.

I note the changes in plans since the original application. There are two aspects which I have particular issue with:

1. The new five bed house. This is out of scale in the context of both other houses on the street and neighbouring houses in Falstaff Street.
2. The 'hammerhead' shaped turning area and cycle path within the development. The turning area appears to serve no real purpose (the houses have parking) and the extra cycle path serves no real purpose (a longer route than the existing one).

If the Council grants approval for this substantial development it will be directly contradicting its own policies on substantial developments. Therefore the Council risks judicial review, at significant costs to ratepayers, if it passes this application.

My residents do not object to development per se, and indeed many have commented that previous plans for 6-8 homes struck the right balance between the need for new housing and the pressure on existing infrastructure. However, 15 homes is simply an overdevelopment of this site and is not supported by local

infrastructure.

(12.12.2017):

If this application is approved it will be going against SAMDev and other Council documentation saying that there should be no significant development in the Greenfields area (following the Redrow and Lovells Developments) until/unless the North West Relief Road is built. Given that at 17 homes this development is above the threshold of 14 homes judged to define a substantial development for affordable housing this development can be considered significant.

SAMdev 3.15 and MD8 1 notes that consideration should be given to safeguarding existing infrastructure and only allow development where there is sufficient existing infrastructure capacity.

On utilities infrastructure, sewerage pipes are already overburdened with blockages commonplace with resultant public health risks. These will be substantially increased by this development.

This development also impacts negatively on parking infrastructure (the adjoining car park), reducing parking capacity, which the report notes that this will be partly used by residents of the new development.

If the Council grants approval for this substantial development it will be directly contradicting its own policies on substantial developments. Therefore the Council risks judicial review, at significant costs to ratepayers, if it passes this application.

My residents do not object to development per se, and indeed many have commented that previous plans for 6-8 homes struck the right balance between the need for new housing and the pressure on existing infrastructure. However, 17 homes is simply an overdevelopment of this site and is not supported by local infrastructure.

The petition signatories (over three times as much as for the significantly larger Preston Street development) show the strength of feeling on this application.

This application should be rejected, and only development not judged to be significant (e.g. similar in scale to the previous proposal for eco homes) should be allowed, if the Council is not to breach its own policies and risk legal challenge.

- 4.2.9 **Mr Daniel Kawczynski MP (11.06.2018):** I recently held a public meeting and although I don't interfere with planning issues, I promised to pass onto the Council concerns the residents raised at that meeting regarding 17/05234/FUL (the development of 15 homes off Falstaff Street)

The residents have told me in 2014, following the approval of the Redrow and Lovells developments, the Council stated there should be no 'significant' developments in the vicinity of the Greenfields/Herongate end of the Ellesmere Road. The road on its own was simply not intended to deal with the current volume of traffic, let alone increasing traffic from new developments.

'Significant' was not defined in the policy, and the residents have asked that a figure of 14 homes or more can be used to define significant. They have raised further concerns that the development impacts cycle ways and walkways at the entrance to the Greenfields Recreation Ground and would make cycling and walking in this area less attractive.

The residents have asked if you could consider the above in any planning deliberations, and work with the developer to produce a development that is smaller in scale with fewer units (under 14) and considers the needs of residents including cyclists and pedestrians in its design.

4.2.10 **Residents comments:** A total of 105 comments have been received (4 representations, 11 in support and 90 objecting). Many of the objections have been received from the same residents that commented on the application as first submitted and that were summarised in the report to members published 07 February 2018 as follows:

32 letters of objection have been received summarised as follows:

- *Increased traffic due to the number of houses once completed and occupied and during the construction phase, resulting in congestion in the streets that lead to the site.*
- *The noise, dirt and upheaval from the proposed construction phase is unacceptable*
- *There must be a construction management plan in place for all streets in Greenfields.*
- *Requests that a construction traffic management plan and community alert/awareness protocol be made available before the planning application is considered.*
- *Impact on the traffic flows and congestion in the surrounding streets and on Ellesmere Road.*
- *At peak times the roads are congested and sometimes blocked and reduced to single lane with no passing places*
- *Emergency services and delivery vehicles will find it even more difficult to gain access*
- *Photos submitted of evidence of vehicles blocking the road and the queues of traffic on Ellesmere Road.*
- *The relatively straight road will encourage speeding traffic*
- *As a community, we are already regularly in contact with the local police*

regarding speeding, anti-social behaviour and damage to cars - we wish to keep this area safe and secure

- *The Greenfields Community Group reports weekly accidents and damage to resident's vehicles due to the fact that current density and volume of traffic is beyond the road and residential on street parking capacity*
- *Increased vehicles will impact on the safety of cyclists and pedestrians and will require them to cross the traffic.*
- *The path leading from the end of Falstaff Street will become a road*
- *Walking to and from the park will be dangerous*
- *Children will not be able to play safely in the street*
- *Increase in air and noise pollution.*
- *Only 2 parking spaces per dwelling are provided with no visitor parking and is inadequate*
- *The proposed family homes are likely to attract buyers who have an average of 2 cars which would mean an extra 34 cars leaving and entering Greenfields on a daily bases, not including visitors for whom no parking provision is made within the development.*
- *The report refers to spaces being available on the playing fields car park but this should not be used as visitor parking.*
- *Falstaff Street cannot provide space for more cars when the current householders struggle to find parking spaces themselves.*
- *The Traffic Report predicts 13 movements per hour (approximately one every 3 minutes) which is misleading and unrealistic.*
- *The Traffic Statement and the Highway comments (WSP) are produced without any valid research, evidence or data production toward the impacts both vehicular and community.*
- *Questions whether the Transport statement is adequate or reliable.*
- *In May 2014 when the Redrow site was considered it was noted that 'any further large developments off the Ellesmere Road corridor are likely to result in traffic issues at this location which we are unable to manage. Therefore the local highway authority maintains the opinion that any further major developments off the Ellesmere Road (over and above this site and the adjacent committed site) would not be acceptable without a north-west relief road scheme to manage the flow of traffic between the west and northern areas of Shrewsbury'.*

- *Requests that the Highway and Transport Statement is upgraded to a full Transport Assessment*
- *The proposal does not demonstrate that it is considering the health and well-being of the children and residents of Greenfields by encouraging sustainable travel, increasing walking and cycling, lessening traffic generation and its detrimental impacts and reducing carbon and diesel emissions.*
- *The land is not suitable for dwellings and should be put to some community use.*
- *This land is not required to be developed to meet housing targets*
- *The crossing on Ellesmere Road promised for the Redrow development has not been provided and the community has not seen any of the community benefits from CIL.*
- *Further increase in demand will adversely impact the existing foul water sewers that are Victorian and already failing.*
- *The school is already oversubscribed and whilst the future occupiers will be close to the school existing residents on the edge of the catchment will be forced elsewhere.*
- *There is no medical practice and only one dental practice in the area*
- *The two small shops that cover Greenfields, Herongate, Ellesmere Road, and Greenfields Gardens is already insufficient.*
- *The minor changes to the design and landscaping are unclear with regards to quality of materials and finish.*
- *The design and materials need to respect the local vernacular of the adjacent Victorian Streets.*
- *The three storey houses are far higher and out of keeping with the surrounding Victorian houses.*
- *The spacing size and type of windows is not consistent with the Victorian houses*
- *The stone wall (that is potentially listed) is a feature of the community and should not be demolished*
- *The proposal will not enhance the character or appearance of Greenfields, but create a one-dimensional modern enclave appended to the existing community*

- *No information is provided about street lighting*
- *Impact on wildlife and in particular bats and birds that are seen regularly in the area*
- *The site is a wildlife corridor and the bio diversity and open space is significant in terms of the social, health and well-being benefits*
- *The proposal urbanises an open space, doubles the size of Falstaff Street and distorts the Greenfield community.*
- *The tree group on the Western Boundary forms an important backdrop to the recreation ground and has value as group screening the development behind.*
- *Positioning houses close to the trees will put pressure on removing or pruning them.*
- *Afternoon shading of the proposed houses is likely to be a problem.*
- *Any removal of trees and hedges along the existing footpath on the eastern boundary should be replaced to screen any new development from the recreation ground.*
- *A full landscaping mitigation scheme is essential.*
- *Damage to the root protection area of the important Lime tree must be prevented and there should be no crown reduction of this tree*
- *The retention and improved planting of the hedgerow is one of the few welcome aspects of the scheme, but would be spoilt by a metal fence*

4.2.11 A petition was also received 24 November 2017 and signed by 191 residents with their main concerns summarised within the February committee report to members as follows:

- *Increased traffic*
- *Impact on safety of pedestrians walking to school.*
- *Local primary school at capacity and the new residents would also put pressure on health services and roads*
- *Impact on the safe enjoyment of the play area*
- *The impact of additional waste on Victorian Sewers*
- *Parking is tight particularly at evenings and weekends when Falstaff Street becomes a single track road*

- *Noise and dirt during the construction phase and delivery and construction vehicles will cause severe problems*
- *The wall at the end of Falstaff Street is considered to be listed but even if it isn't it adds to the character of the area and should not be removed or altered.*

4.2.12 An additional letter received 07 February 2017 was reported to members on the day of the 15 February committee regarding the size of the root protection area (RPA) for the Lime tree T1 being incorrect. This led to members resolving to defer the application for further discussion in relation to the tree survey and an amended site layout if necessary.

4.2.13 The comments received since the report to the 15 February 2018 Central Planning Committee published 07 February 2018 (both in support and objecting to the application as revised) are summarised as follows:

4.2.14 Support:

- There is planning permission for 8 large detached houses so whatever happens the site is going to be built on and it's now just a question of what's the most suitable type of development for the land and its surroundings.
- Smaller and more affordably priced properties need to be built for the next generation and would be far more appropriate for the area than large detached unaffordable "eco homes" of say £400,000 plus.
- Believes that younger and less well-off families should be provided for first and foremost and supports the application as it will provide more affordable housing for local people.
- As long as parking provided within the development is adequate and won't impact on the surrounding streets then considers there isn't a problem.
- The application includes sufficient parking so won't impact on street parking in Greenfields.
- 15 small houses will create a similar amount of traffic to 8 larger houses already approved so the difference in traffic would be negligible.
- The area proposed to be developed is an area of land referred to by some residents as wasteland and has always been fenced off and over grown and attracts ant-social behaviour.
- Can only ever remember the area being an overgrown mess and does not let family play in the area as it could be dangerous due to what might be found in the undergrowth.
- The land to be built on is overgrown and unsightly and has never been used

as parkland in my life time.

- The way that the petition has been presented has led people to believe that the recreation ground known as the Meadows is to be destroyed and built on and that the footpath and cycleway will be affected.
- There has been a "save our park" campaign which is extremely misleading to anyone that is unsure of the proposals.
- It is clear from the plans that the land being developed is the overgrown area behind the hedgerow, and only a small area of the entrance to the car park will be resurfaced for access into the site.
- The large playing field and children's play park and the large woodland on the other side that is now a haven for wildlife and has safe pathways for dog walkers and children is being untouched by this development.
- Supports the development of this area of wasteland as it is an eyesore that poses potential danger to children in the area and the objections are misleading in that they believe it is the playing area being developed when it is just the scrub land adjoining.
- Cars already race across the recreation ground to reach the allotments which is dangerous.
- Considers that the proposed housing would help reduce the anti-social behaviour that occurs on the recreation ground and the play area and will become a lot safer being overlooked and will make the area safer to walk including later in the evening.
- The proposed houses will have more than adequate amenity space.
- It is nice to see sympathetic redevelopment of one of the oldest areas of Shrewsbury.
- A small discrete development of this nature can only be beneficial to the area and local community, and will create some nice homes for local people and be a credit to the area.

4.2.15 Object: (Comments submitted from residents individually and also from representatives on behalf of the Greenfield Community Group):

- Objects to the development on all the grounds previously set out by the residents of Greenfields.
- Two dwellings have been omitted but the first house is now a very large 5-bedroomed detached house taking up the same amount of space as the two that have been removed.

- The other amendment is that the cycle path and footpath has been diverted along the new roadway and this new route is longer, less convenient and more dangerous than the existing.
- The parking provision on the revised plans is still inadequate leading to stressful and potentially dangerous competition for parking spaces.
- No detail provided of how the new access road will be formed and the cycleway and footpaths and any crossings are not clearly shown.
- There is a right angle of a bend at the joining of Greenfields and Falstaff Street with resulting poor visibility for oncoming traffic and pedestrians. Vehicles often have to reverse to accommodate oncoming traffic but with limited space to reverse too thus causing hazardous conditions. Details of how the construction traffic will be managed and how heavy excavation vehicles including lorries and diggers will get round this bend has not been provided and raises significant safety concerns to both road users and pedestrians.
- How are large development lorries/diggers and tradesmen going to be able to pull off or on to Greenfields Street at the T junction with Ellesmere Road where there is only just enough space for one average size vehicle at this point.
- The significant increase in traffic has not been addressed and impact on air pollution has not been considered.
- Traffic and pollution is so bad along Ellesmere Road that no new building should be allowed anywhere in the area until the relief road is built.
- No consideration given to the safety or convenience of pedestrians or cyclists using the cycle routes and footpaths in the area to access the school, the allotments, the bowling greens or the Flaxmill.
- The applicants report states that an additional car every 3.53 minutes at peak times is satisfactory but here will already be 200 cars trying to access points along Greenfields Street at peak times.
- Considers that the roads are already at capacity for traffic use during peak times and parking is already under-capacity so any additional traffic, however light, will cause considerable congestion and issues within Greenfields and leading onto Ellesmere Road.
- The vehicular access to the site will cut across several existing sustainable and public rights of way including, the entrance and exit to Greenfields Park, access and exit to Greenfields Bowling Club, a footpath and right of way, a cycleway, a council owned car park and land currently owned by Shrewsbury Town Council

- The development will breach the footpaths and cycleways and severely impact, impede and endanger the lives of the users of these paths and Greenfields Recreation Ground, and specifically school children walking to and from Greenfields Primary School.
- There is no permission for a road to access this site across Town Council land, and car park.
- Easement will need to be granted by the Town Council for part of the car park to be used as a road.
- Opposes the easement and use and loss of the car park and Rights of Way and access (exit and entrance to Greenfields Recreation Ground) to the developer.
- A number of easements are already in place for Greenfields Bowling Club and the allotments, including full use of car parking.
- Greenfields Bowling Club objects to the proposed access as they consider it will encroach on their right of way and limit car parking spaces available to them.
- The proposed development will overwhelm the local highway and road network, that is already severely overloaded and will cause an unacceptable impact on the arterial routes of Falstaff Street and Greenfields Street.
- There is no capacity for extra vehicles as current vehicle levels are already endangering residents' lives and the proposal will endanger cyclists and pedestrians who use this as a daily commute.
- Sustrans data shows 600 unique cycle journeys per week through Greenfields Recreation Ground and the Greenfields Community Groups transport assessment shows an average 197 school children and pedestrian journeys 2.45-3.45PM and a total of 243 unique journeys through Greenfields Recreation Grounds.
- The safeguarding of schoolchildren to and from Greenfields Primary School and a busy play area is being ignored.
- Will impede and reverse the use of current sustainable pedestrian and cycling facilities that benefit the community and will breach a Memorandum of Understanding with Sustrans 2011 and the lottery funded cycleway needs protecting.
- There is not enough parking for the number of cars per household assuming two cars.
- The WSP Highway response on behalf of Shropshire Council is far too simplistic and residents question the validity of the assumptions being made

and the reliability of the conclusions reached.

- The Highway response does not address the future impact on the area through the increase in various forms of transport when the Flaxmill is fully operational, the loss of parking spaces in the recreation ground car park due to the new road, the use of the recreation ground car park by residents of the development and their visitors and the loss of on-street parking for some residents at the end of Falstaff Street caused by the widening of the access to the proposed development.
- The point of the Greenfields Community Group traffic survey was to highlight the number of vehicles that come and go, as well as pedestrians, via Greenfields Street. It clearly shows that the majority of journeys are taken via vehicles, and that on the 08.05.2018, between 7.00AM and 9.00AM a surprising 53 vans and 1 lorry journey were also made indicating that journeys are made for work purposes and not just by residents.
- The council cannot justify planning consent until a detailed traffic survey has been carried out.
- The roads are already reduced to a single cars width with few passing places and disagrees that adequate passing is available along the length of both Greenfield Street and Falstaff Street in road junctions and other gaps between parked vehicles to allow the safe movement of vehicles to and from the site.
- At regular occurrence the passing places (namely Hotspur and Percy street) are already at capacity. The rush to make it from one to the other before more traffic creates an undue risk for pedestrians and cyclists.
- Ellesmere Road is also regularly congested and this has worsened recently with the large Redrow and Lovell developments meaning local highways are stretched but standing traffic is also a health and environmental concern due to air pollution.
- The stone wall is a feature of the community and should not be demolished or reduced.
- The previous scheme recognised the need for the development to blend in unobtrusively as possible within the local environment.
- There is no benefit of this development to the local community.
- The houses including the affordable houses will likely be purchased by people from outside the community.
- There is no contribution from the planning application to enhance the existing community.

- The desires and needs of the local community are being sacrificed for the developer to maximise profits.
- The site could be used for outdoor education, recreation or ecological site.
- The site should remain as part of the designated recreation land for the enjoyment of the local community.
- Destruction of mature trees and hedgerow and damage to wildlife habitat that has been enjoyed by the community for years will be lost.
- The trees on-site and on the site boundary represent a grouping of trees with a high amenity value and an important 'Green Space' tied in with the recreation ground and should be preserved.
- They are part of the inter-connected habitats that are so important to a large variety of animals, bats, insects and numerous other creatures. The Scots Pines especially and the Plane tree (external to development site) are important trees in their own right.
- Planting of new saplings as a mitigation for such removal is used by some developers as a trade-off and PR exercise to the general public.
- The Lime tree is a Category A tree at the site entrance and needs to have a root protection area that is acceptable and in line with British Standards BS:5837:2012.
- Crown reduction and crown lifting is not necessary.
- The development will change the fundamental aesthetic, feel and peacefulness of the park.
- Result in the loss of open space, natural amenity and loss of a part of Greenfields recreation ground that has been a park for 100 years and will have an adverse effect on the enjoyment of Greenfields Recreation ground.
- The high density of houses still seems inappropriate for a small site and will change the nature of the area.
- Impact on the overstretched infrastructure including, schools, GP surgeries, dental practices, surface water and foul drainage and mains services.
- The school is already over-subscribed and new housing in addition to the Lovell and Redrow development is reducing the size of the catchment area.
- It is not good enough to pass the buck to Severn Trent for drainage problems arising from foul water from the new development running into the Victorian sewers.

- Concerned that approving this development could set a precedent for further encroachment on the recreation ground or allotments, both of which are extremely well used and valued by the local community.
- There is a possible link between childhood cancers and electro -magnetic fields from bits of electronic equipment and buildings, including sub- stations. It is therefore considered unwise to build homes next to sub stations while this possibility exists and a survey of EMF levels should be made.
- Considers that the archaeological potential in this area is too substantial for there not to be an excavation, and potentially for the development to not go ahead.
- Agrees with the suggestion (by SC Archaeology) that a small excavation should take place before any groundworks commence.
- The impact on the immediate historic environment and nearby heritage assets such as the Flaxmill should be assessed and considers that the proposed modern development will alter this heritage setting and should not be allowed.
- The amended proposals do not take into account the impacts this development will have socially and to the sensitive historic environment and that development will potentially destroy archaeology and having a negative impact on the Flax Mill investment into the area.
- Concerned about what impact the increased traffic and the building work will have on the structure of existing homes.

4.2.16 In addition to objections regarding the planning application the following applications and requests have been made:

- Application for Village Green status of the recreation ground (including the car park) a small corner of which is part of the planning application site
- Nomination to list the application site and the recreation ground as an Asset of Community Value (ACV)
- Request to revoke the previous outline planning permission
- Request for the council to provide evidence that the correct processes and procedures were followed with regard to the classification and sale of this site
- Application for the cycleway and footpath to the East of the development site to be recorded on the definitive rights of way

5.0 THE MAIN ISSUES

Principle of the development/existing use and status of the site

Layout, scale, design and appearance/visual impact

Impact on heritage assets/archaeology

Access, parking and highway implications

Impact on neighbouring properties, residential amenity and pedestrian safety

Ecology
Landscaping/trees
Flood risk/drainage
Developer contributions (affordable housing and open space)

6.0 OFFICER APPRAISAL

6.1 Principle of development/existing use and status of the site

6.1.1 The provision of housing within the urban area of Shrewsbury accords with policy CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The land is contained within the urban development boundary and in a sustainable location within walking distance of the Town Centre and therefore residential development of the site is considered acceptable in principle.

6.1.2 A request has been made to revoke the previous planning permission and the Greenfields Community Group are still questioning the Council's decision not to revoke that permission. The main reason for the request is that some residents consider that the application site is public open space and part of the recreation ground and that both the previous and this current application should be determined having regard to this.

6.1.3 The Groups evidence that the land is public open space and is part of the adjacent recreation ground is based on the following:

- Minutes of a meeting dated 1925 that refer to *'the possibility of providing a Recreation Ground for the Greenfields district and have been in negotiation with Mr John barker, the owner of Broomhall Estate, for the purchase of a portion of the meadow lying at the back of Broomhall, 3.4 acres in extent'*.
- Minutes of a meeting dated 1942 stating that *'The committee agreed to the following land being acquired for war allotments subject to its reinstatement within six months of the end of the war: Small portion of Greenfields Recreation Ground, Falstaff Street (10-12 allotments)'*.
- Minutes of a meeting dated 1956 (regarding the purchase of other land in the area) which states that *'the land should be purchased partly for use as Public Open Space and partly to provide alternative sites for several temporary allotments which are still being cultivated on the nearby Recreation Ground.'*
- Does not dispute that the site was used as allotments since 1942 and that the land was used as a tree nursery by Shrewsbury Town Council but asserts that although not maintained as recreation ground by the Town Council has been used by dog walkers and some residents who consider it to be public open space.
- Consider that land registry documents dated 2005 and 2010 (referred to in the latest title) are relevant but have been unable to obtain copies of these from the Town Council or the Land Registry

- 6.1.4 The land has been owned by Shrewsbury Town Council (or its predecessors) since 1926 when it was acquired by “The Mayor Aldermen and Burgesses of the Borough of Shrewsbury”, and has had various uses over the years including allotments and tree nursery. The land was transferred to the Town Council in 2010 following Shropshire becoming a unitary authority. The SABC Local Plan Urban Area map dated November 1997 indicates the land to be ‘white land’ and not protected green or open space. The adjacent land labelled ‘playing field’ is allocated as both ‘Greenspace’ and ‘Recreational Open Space’. Ordnance Survey maps since the 60s have always referred to the land as allotments.
- 6.1.5 The SABC Local Plan was subject to public consultation and was an adopted plan. The application site was clearly not shown as designated public open space or recreational ground within the SABC Local Plan. When the land was transferred to the Town Council from SABC the use of the land was not restricted and there was no covenant attached to the land. Reference has been made to “2005 and 2010 Land registry documents”. Consideration of the Land Registry titles for the site and the adjacent land still held by the Town Council indicates entries in the register dated 2005 and 2010. That does not mean that there are specific documents of those dates, just that the relevant entry was made or amended on that date. With regards to the 2005 entry in the register this is the date that the land was first registered by SABC with the Land Registry. As it had been held since 1926 it would have been unregistered until voluntarily first registered by SABC. The available documents submitted with the registration would have been those referred to on the title which have been considered by officers and do not add anything further to consideration of the land’s status. The 2010 date relates to the entry in the register when the land comprising the site and the adjacent recreation land, together with other land in the town, was transferred to Shrewsbury Town Council.
- 6.1.6 Similarly the original Conveyance (John Baker to the Borough Council 26 March 1926) includes the application site but there are no restrictions on the land or mention of the purposes the land is to be used for. The site is now held by the applicant under a separate title number SL248991 and there is no covenant attached to this title restricting the use of the land. If there had been any covenants attached to the original conveyance or subsequent title documents these would have been recorded on the latest title for this site.
- 6.1.7 The operations manager (Gary Farmer) for Shrewsbury Town Council has worked for SABC and the Town Council for over 40 years and for most of these years and in various roles has been responsible for the maintenance of Greenfields Recreation Ground. Mr Farmer has submitted the following statement with regard to a request for the land to be registered as an asset of community value (AVC) which outlines his knowledge of the site over that time:

To the best of my knowledge when I started in 1978 this area was derelict overgrown land and never part of the recreational facilities. The Parks Superintendent James Beardall was a keen Arboriculturalist and saw an opportunity for the Parks Department to grow our own trees from saplings. This area was cleared and for many years the site was an active tree nursery with no access to the public. This was managed for many years until such time that many of the green spaces had

been planted with now standard trees from this nursery site. Also it should be noted that this was just one of many tree nurseries that we developed. James retired in 2000 and with him the need for tree nurseries expired as he had completed his vision of green Shrewsbury with a new tree stock.

As for this area it remained secure but was left unmanaged until it was disposed of by STC. To be clear only in recent times was this area used as an unauthorised short cut as the boundary fences and access gates were damaged and never repaired. This damage has been more recent when permission was granted to create a cycle way that links through the recreation ground but does not encroach on this area.

The request relating to the application site being registered as an asset of community value has been refused.

- 6.1.8 That some residents have used the site informally to walk their dogs, or that children have used it to play on at different times does not make the land public open space or recreation land. There are also some residents in addition to officers of the Town Council that disagree with this claim that the land has been available as public open space for the periods when it was not in use as allotments or tree nursery.
- 6.1.9 Minutes of various meetings over the years potentially indicate that the land was acquired for use as public open space or for recreational purposes as part of a larger piece of land but this evidence is not conclusive as there are no clear plans or maps to identify what land is being referred to. The application site is bounded by Town Council owned allotments to the North and Greenfield Recreation ground to the East and even if it was originally acquired in 1926 (as part of the larger area) for the purposes of recreation this part has never been maintained or formally used as such. There is no evidence the land forming the site was ever designated as public open space.
- 6.1.10 The current title document (and previous title documents) contain no covenant restricting the use of the land or the future sale of the land. The land was not and is not considered to be public open space or recreation ground by either SABC, Shrewsbury Town Council, or Shropshire Council. Even if the title had a covenant restricting its use, a covenant can be applied to be lifted and planning permission can be decided irrespective of this.
- 6.1.11 With regards to the Town Council following the correct procedures and processes with regards to acquiring or appropriating land for planning purposes under section 232 of the Town and Country Planning Act (TCPA) 1990, section 232 (4) states the following:

(4) Before appropriating under this section any land which consists of or forms part of an open space, a local authority—

(a) shall publish a notice of their intention to do so for at least two consecutive weeks in a newspaper circulating in their area; and

(b) shall consider any objections to the proposed appropriation which may be made to them.

Open space is defined within section 336 of the TCPA 1990 as *'any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground'*.

The Town Council were quite rightly of the view that the application site was not public open space and they were therefore not required to follow the procedures outlined in section 232 (4) of the TCPA 1990 prior to making their application for planning permission or prior to selling the land.

- 6.1.12 It is the Council's opinion that this site is separate to and is not part of the Greenfields Recreation ground. The development would not result in the loss of public open space and the provision of 15 smaller family homes rather than the previously approved 8 large 'eco' homes will make efficient use of this vacant site and help boost housing supply in a sustainable location. The proposal is therefore considered acceptable in principle.
- 6.1.13 The request to revoke the previous planning permission has been refused. Since the request to revoke the previous planning application was considered, comments have been made that additional documents should be considered, however there do not appear to be any other documents which address the status of the site as set out above. Currently the land is in private ownership and whilst there is an adjacent recreation ground the site has been treated separately for many decades and as such it is considered that suggestions that the land was or is public open space are unsubstantiated and therefore cannot be given weight in the planning decision making process.
- 6.1.14 The application to register the land owned by the applicant as an ACV has been refused. The land owned by the Town Council including the recreation ground and carpark has been listed as an ACV. The Town Council have already granted an easement to allow the applicant vehicular access to the site across the corner of the car park and the entrance to the recreation ground. That this small part of the car park (to be used as vehicular access) is part of the larger recreation ground owned by the Town Council and deemed to be an ACV should not affect the determination of this current application. The use of this small corner of the access to the car park to access the development site will not reduce the number of car parking spaces available or prevent access to the carpark and the recreation ground.
- 6.1.15 Shropshire Council Commons registration officer has advised that the application to register the Greenfields Recreational Area as a village green is still being determined. The Council as Commons Registration Authority is minded to reject the application as not "duly made" as there have been two trigger events (as set out in Section 15C - Schedule 1A of the Commons Act 2006) with no corresponding terminating event. These trigger events affect a small portion of the application land. The determination of this current planning application need not and should not be held up by this decision.

6.2 **Layout, Scale, Design and Appearance/Visual Impact**

- 6.2.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.2.2 The proposed development will be situated at the end of Falstaff street which predominantly consists of a row of late Victorian semi-detached properties on either side of the road with a row of 4 detached properties on the West side of the road built in the late 1990s. The older properties display a variety of window and door designs and brick detailing. The site and the surrounding houses are not in a Conservation area and there are no listed buildings or listed walls or structures within close proximity of the site.
- 6.2.3 The layout as amended is for a row of 15 houses including 6 semi-detached two storey houses with a third level of accommodation in the roof, 2 semi-detached two storey houses, 2 terraces of 3 two storey houses and a detached two storey house with accommodation in the roof. The layout, pattern and density of development is in keeping with the linear development in the surrounding streets with houses situated on narrow plots. The gardens will not be as long as those in Falstaff Street but it is considered that the size of the rear gardens is satisfactory particularly having regard to the large recreation ground and play area that is available to the front of the site.
- 6.2.4 The proposed dwellings are traditional in design incorporating architectural features found in the houses in the surrounding streets such as stone heads and sills, bay windows and brick corbelling. However they are not intended to replicate the existing houses or to be a pastiche and it is considered that a pastiche would not be desirable.
- 6.2.5 The new houses proposed would be seen as a continuation of the row of the four new houses on the West side of Falstaff Street and it is considered that the scale and design of the houses are appropriate and that the development would have no significant adverse impact on the character and appearance of the locality. It is considered that the scale and appearance of the proposed houses is preferable to the design of the 8 large houses approved in principle under the previous outline permission and is far more appropriate in scale, density, pattern and design taking into account the local context and character.
- 6.2.6 A visual impact assessment (VIA) has been submitted on behalf of the applicant to assess the potential effects that the proposed development would have on the landscape character and visual amenity, on views from publicly accessible locations.
- 6.2.7 The site and its surrounds form part of the urban area of Shrewsbury and the character of the adjacent open space is typical of an urban recreational ground.

Both the application site and the recreation ground are not designated at a National, County or District level and the VIA assesses the 'landscape value' and the 'visual amenity level' of the application site to be 'local level' rather than 'community level'. Community level refers to areas that are recognised landmarks or beauty spots or village greens and common land. Local level landscapes and views are considered to be of value at a local level, either as a local recreational resource or by providing a pleasant visual outlook to residents and visitors.

- 6.2.8 The recreation ground provides a valuable recreational resource to the local community and the application site provides a green backdrop and pleasant visual outlook from this park and the impact on this outlook has been assessed as 'Minor adverse'.
- 6.2.9 The 'Visual Receptor Susceptibility' from the main public view points (the recreation ground and footpaths, Falstaff Street and Shrewsbury Flaxmill Maltings) is assessed as being 'medium' or 'low/medium' as the 'visual receptors' are considered to be people engaged in activities where landscape provides a backdrop to their main activity, such as users of open space and recreational facilities or users of public rights of way in urban areas.
- 6.2.10 The main public views of the proposed development would be from the Greenfields Recreation Ground and the footpaths around it. Walkers and recreational users have been treated as having 'medium susceptibility' to changes affecting their visual amenity and the views are assessed as being of 'local level value'. Having regard to the extant planning permission the VIA assesses the site as having 'negligible landscape value' and 'negligible visual amenity value' and that the scale of effect compared to this current 'baseline landscape' would be 'low/medium adverse' over a 'low/medium' geographical area.
- 6.2.11 The report assesses that the overall level of effect of the proposed development on the visual amenity of the Greenfields Recreation Ground is 'Minor adverse' and the overall level of effect on the visual amenity of the Falstaff Street and the Shrewsbury Flaxmill Maltings is 'Negligible'.
- 6.2.12 Officers generally concur with the finding of the VIA and agree that the impact of the proposed development on the landscape value and visual amenity value of the development site, when considering the extant permission, would be minor or negligible. It is however agreed that both the extant permission and this current proposal would change the outlook from the recreation ground and change the existing green 'backdrop' valued by some residents. Some residents, however, do consider the site to be waste ground and overgrown and an eyesore that has a negative impact on the visual amenity of the area and susceptible to ant-social behaviour.
- 6.2.14 It is accepted that the proposed built development will provide a harder edge to the recreation ground but overtime the built development will be screened by maturing trees. The majority of the existing hedge is now proposed to be retained and the sub-standard trees along the eastern boundary are proposed to be replaced with a new attractive avenue of specimen trees on both sides of the path. In the short term the removal of the existing trees in this hedgerow might be viewed as negative

but replacing them will bring long term improvements and visual enhancement to the interface between the park and the recreation ground.

6.2.15 In addition to this enhancement to the visual amenity of the recreation ground the proposal will also bring some benefits in terms of improving public safety. The footpath, recreation ground and play area will be overlooked by the new development thereby improving surveillance and deter anti-social behaviour. The development of the site will make good use of private land that in its current overgrown and neglected state makes a negative impact on the visual amenity of the locality.

6.3 Impact on heritage assets/archaeology

6.3.1 The submitted archaeological assessment confirms that there are no statutory designations within the application site although it once sat within the grounds of the former Green Fields/ Broom Hall house dated to the early 19th century. The application site falls outside the Shrewsbury Conservation Area, the nearest part of which is approximately 230m to the East. The Shrewsbury Flaxmill Maltings is located approximately 270m to the East of the application site, beyond the railway line. This group of buildings includes several Grade I, II*, and II listed structures which collectively are regarded as being of international importance from a heritage perspective.

6.3.2 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in determining applications special regard is given to the desirability of preserving listed buildings or their setting and preserving or enhancing the character or appearance of a Conservation area. Due to the distance of the site from the conservation area and the listed buildings at the Flaxmill Maltings, and the presence of the recreation ground, the established community woodland and the railway line that separates the application site from these heritage assets it is considered that the proposal would not affect the setting of the listed buildings or impact on the character and appearance of the conservation area.

6.3.3 An archaeological report has been submitted to satisfy the requirements of the NPPF and SAMDev policy MD13. The Councils Archaeologist has confirmed that given the findings of the desk based assessment the proposed development site is considered to have low-moderate potential for archaeological remains of prehistoric, Roman and 20th century date and recommends that a phased programme of archaeological investigation is made a condition of any planning permission.

6.3.4 Given the nature of the proposed development it is recommended that this should comprise an initial evaluation trenching exercise followed by further mitigation as necessary. The archaeology report also confirms that the proposed development will not affect the significance of any of the known heritage assets in the immediate area or their settings.

6.3 Access, parking and highway Implications

- 6.3.1 The amended plan is for 15 dwellings and indicates 32 parking spaces (2 parking spaces for each dwelling and 2 visitor spaces). This level of parking provision is considered more than adequate in this sustainable location in close proximity to local services and facilities, a primary school and regular bus service, and within walking distance of the town centre and the train and bus station. One of the aims of both Local and National policy is to encourage walking and cycling and use of public transport and to reduce the use of private vehicles and to direct development to locations where the need to travel is minimised.
- 6.3.2 To provide more parking spaces would be contrary to the aims of promoting sustainable transport. SABC local plan parking standards advised a maximum parking provision of 1.5 spaces per dwelling with the aim of reducing reliance on the private car and promoting other more sustainable forms of travel. The NPPF advises that if setting local parking standards these should take account of the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport and local car ownership levels. Families with requirements for parking more than 1 or 2 cars would likely not be interested in purchasing these properties as they wouldn't meet their needs. Future residents (and existing residents) are more likely to choose to live in this area for the very reason that they don't need more than one car in the family due to the potential for walking, cycling and use of public transport. A parking standard of less than 2 spaces per dwelling is considered appropriate for this location and 2 spaces per dwelling is considered to be more than adequate.
- 6.3.3 SAMDev policy MD2 advises that onsite car parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network. Officers are fully aware of the lack of off-street parking in Falstaff Street and the surrounding streets and that on street parking only allows for one car per dwelling which likely represents the current car ownership in this area. It is acknowledged that at weekends and evenings the streets are full on both sides and residents are sometimes unable to park on the street outside their own homes. However the provision of 15 additional houses with 2 spaces per dwelling, plus 2 visitor spaces, and the option for visitor parking along the front of the new houses (as is the case in any other residential area) would not affect the parking situation that already exists. It is therefore considered that the parking provision is more than adequate and that the provision of 15 houses with 2 parking spaces each, plus 2 visitors spaces, would not result in cars over-spilling and parking into the surrounding streets. WSP consultants on behalf of Highways have confirmed that the development would not contribute to the local on-street parking issue, as it is providing adequate off-street parking for the new dwellings and that this application can only be considered on the basis of the new additional traffic impact on the local highway network.
- 6.3.4 Vehicular access will be off Falstaff street via Greenfield Street and on to Ellesmere Road to join the main Highway network. WSP consultants on behalf of Highways have confirmed that they have no objection to the access to the development via this route. Officers are aware that the existing intensive on-street parking results in congestion in the area and that this is of significant concern to the local community. WSP have commented that although this development will introduce additional vehicles movements along the existing highway, it is not considered that there

would be sufficient enough traffic generation to contribute to the likelihood of 'severe harm' as defined in the National Planning Policy Framework to warrant a reason for refusal on highway grounds.

- 6.3.5 Residents have questioned the robustness of the applicants submitted Highway and Transport statement and that it is not based on evidence. The submitted transport statement for 17 dwellings stated the following:

'In terms of traffic generation therefore it is suggested that there is only likely to be a maximum of one movement per household in the peak hour. This would equate to 17 additional vehicles or one movement every 3.53 minutes. The overall traffic movements in any 24 hour period is not likely to exceed 102, based on 6 movements per dwelling using the lower figure in a band width of 6 – 9 movements per household, which is universally acknowledged as the trip generation for assessments of residential traffic. It is highly likely that there will be less traffic movements in the peak hour than the 17 suggested, as traffic patterns will be dictated by end travel journeys and times that prospective residents work'

- 6.3.6 WSP have stated that the proposed development of 15 new dwellings could potentially generate about 90 trips per day, including 20 trips within the busiest peak hour. This equates to less than a 4.5% increase in traffic along Falstaff/Greenfields Street (worst case). They also consider that prospective residents of the proposed dwellings could adopt the same sustainable forms of travel, such as walking and cycling, as enjoyed by the existing Greenfields residents, thereby further reducing the potential impact of any new vehicular movements along Greenfields Street.
- 6.3.7 Residents have conducted their own traffic survey to capture vehicular movements at peak times including 7am – 9am on Greenfields Street which is the only means of access to Ellesmere Road and the highway network. The total vehicular movements recorded in this 2-hour peak period was 236 (including 180 cars, 53 vans and 1 lorry and excluding 23 cycles) which is 118 an hour. Assuming approximately 200 properties in the area that all link to Greenfields Street and assuming that they are all 1 car households, using these survey results (118 an hour) as an indicator of vehicular movements in this sustainable location for households with only 1 vehicle this equates to 0.6 vehicular movements per peak hour per household.
- 6.3.8 Assuming the new occupiers adopted the same existing sustainable forms of travel as these existing residents and only owned 1 car, 15 additional houses would produce 9 trips an hour (one movement every 6.6 minutes) and a 2-car household would generate approximately 18 trips an hour (one movement every 3.3 minutes). These figures confirm that additional vehicular movements in the peak period for 15 dwellings in this location would be negligible.
- 6.3.10 Paragraph 109 of the NPPF advises that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. Officers whilst acknowledging the significant congestion that currently exists at peak times in the Greenfields area and along Ellesmere Road, agree with the

submitted statement that the additional traffic generated by this proposal would have no significant impact on the congestion that already exists and therefore the impact of the proposal is not considered to be severe that would justify refusal.

- 6.3.11 Residents refer to previous reports on other applications in the area and that SAMDev advises that further significant development off Ellesmere Road or in the Greenfields area should not be permitted without the North West Relief Road and that to approve this proposal would be contrary to adopted policy. Policies within both the Core Strategy and SAMDev do not state that no significant development should be allowed on land that requires access onto Ellesmere Road. Paragraph 4.169 of the explanatory paragraphs of S16 does however state the following:

The Council recognises that land off Ellesmere Road could be a potential long-term direction for growth for the town, but considers that such growth should be linked with the delivery of the Relief Road. The scope for significant developments in that area is particularly affected by the need for the road as, cumulatively, development would have adverse traffic impacts on this major approach to the town centre.

Although this application for 15 dwellings is a major application (being over 10 dwellings) and therefore puts it above the threshold for requiring affordable housing, it is not considered to be a significant development. In Highway terms 15 houses is a relatively small and minor development and is not considered to be significant.

- 6.3.12 Residents have also suggested that a full Transport Assessment should be required rather than the Transport Statement submitted. The NPPF advises at paragraph 111 that '*All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed*'. The proposal will not generate a significant amount of traffic and it is not considered necessary to require the applicant to undertake traffic surveys or further justify the anticipated trips per hour or provide further evidence regarding the amount of traffic that will be generated by this proposal.
- 6.3.13 The greatest impact on traffic will be during the construction phase and it is acknowledged that there could be some difficulties for HGV deliveries depending on the times of deliveries and this could result in congestion and disruption to residents. This disruption and impact on traffic can however be minimised and managed by a suitable construction traffic management plan and it is recommended that a condition is imposed to ensure that a Construction Method Statement is submitted and adhered to throughout the construction period.

6.4 **Impact on neighbouring properties, residential amenity and pedestrian and safety.**

- 6.4.1 The properties will be located sufficiently far from existing residents so that the development would not result in overlooking, a loss of privacy or loss of light or appear overbearing or obtrusive. The majority of issues raised by residents relate to congestion, disruption during the construction phase, pressure on street parking,

impact on the safety of pedestrians and cyclists and impact on infrastructure.

- 6.4.2 Parking and congestion have been addressed within the above paragraphs. The main concern from residents with regards to cyclist and pedestrian safety relate to alterations to the cycleway and footpath along the East side of the development site and that it will become a road and that walking to the school or park will become dangerous due to the need to cross the road.
- 6.4.3 The footpath and cycleway that residents refer to is for the first part already a shared surface with it being the vehicular access to the recreation ground car park and the first part of the footpath and cycleway referred to above and the footpath that leads to the bowling club and Flaxmill. It is also sometimes used by vehicles for parking to access the recreation ground, allotments and bowling club. There is a pavement on both sides of Falstaff Street and the pavement on the east side of the road leads to the main pedestrian entrance in the gap in the wall. The west side terminates at a wall on this side and pedestrians therefore have to step off the pavement to use the shared surface which forms the carpark (and vehicular access to it) and then leads to the footpath beyond. Pedestrians who use Falstaff Street to access the recreation ground or use the footpaths to walk to school already have to cross the road if they use the pavement on the west side. If using the pavement on the east side the pedestrians will be able to continue along this route using the shared surface of the car park and would not need to cross the vehicular access to the proposed development.
- 6.4.4 Cyclists using Falstaff Street should already be travelling on the road, and not the pavement, and will continue as they do now to cross this shared space to continue their journey on the defined cycleway. The latest amended plan indicates that the short section of access road that will cross the corner of the car park will be defined by a dropped kerb so that level access will be maintained.
- 6.4.5 The footpath/cycleway beyond the vehicular access to the existing car park will remain unaffected by this proposal and the route will not become a road. It is considered that the proposal would not impact on the safety of pedestrians and cyclist any different to the situation that currently exists.
- 6.4.6 An application has been made to include the footpath to the east of the site on the Definitive Map of the Public Rights of Way (PROW). The PROW officer has confirmed that the route was added to the Highways Map as a cycleway in December 2010, when it was formally adopted which allows usage both on foot and with bicycles. It is recognised that the route has been indicated on maps as a footpath for over 50 years and that it is available for use by the public, and that it is now legally recorded and protected by its inclusion on the Highways Map. The PROW officer has advised that the route is used primarily by walkers and cyclists and it would not be possible, appropriate or to anyone's advantage to apply to record it on the Definitive Map of Public Rights of Way and that any application to add it to the Definitive Map would likely be rejected on the grounds that it is already recorded as public highway which has a higher status.
- 6.4.7 Regardless of whether the footpath and cycleway is included on the Definitive Map the first part of this route is shared with the vehicular access to the car park.

Approval of this planning application, that includes using the south west corner of the car park as vehicular and pedestrian access, would not obstruct the cycleway and footpath and it is considered that it would not result in significant levels of traffic that would impact on the safety of pedestrians and cyclists any different to the existing situation.

- 6.4.8 The Greenfields Community group consider that the proposal would breach a 2011 Memorandum of Understanding with Sustrans. A representative of Sustrans has not been able to provide this Memorandum of Understanding but have confirmed the following:

'users of the route will still be able to continue as they do now, but there will be the option of using the new development for access, if desired. So this gives us reassurance on this point and also we hope to local residents'

'We have received confirmation that "An informative will be placed on any planning decision for approval informing the applicant that the route must be maintained and continue to be unobstructed and available at all times (even during the construction phase)". In principle provides us with re-assurance that the cycle route through Spring Gardens will continue to operate with the level of access currently offered'.

With regards to the increase in traffic and impact on pedestrian safety Sustrans have provided the following comments:

'We do appreciate the concerns of local residents that there will be significantly more vehicles accessing the new development from Falstaff Street and in the location of the cycle route. For 17 dwellings, based on two vehicles per household we would estimate roughly 68 additional vehicle movements per day, 476 per week accessing the development. However, the nature of the development, being essentially a cul-de-sac, means that vehicles should be travelling very slowly, with drivers alert to the likely presence of pedestrians and children'.

Sustrans assessment of the likely increase in vehicular movements is broadly in line with (but slightly lower than) the applicant's own assessment and that of WSP. It is considered that the proposed development would not result in a significant increase in traffic at the end of Falstaff that would endanger cyclists and pedestrians that use the footpaths and cycleways in the vicinity of the site.

- 6.4.9 Another matter raised by some residents is that of air pollution caused by the additional vehicles. Given that the vehicle movements for 15 dwellings is not considered to be significant it is not considered that these additional vehicular movements would significantly impact on the existing vehicular emissions in the locality.
- 6.4.10 One resident has commented that it would be unwise to build homes next to a sub station whilst there is a possible link between childhood cancers and electro - magnetic fields (EMF) from electronic equipment and buildings, including sub-stations and that a survey of EMF levels should be made. The emfs.info website advises that *'Substations are where electricity lines are connected and switched and where the voltage is changed by transformers. They range from the very large*

to the very small but in nearly all cases, the highest field is usually produced by the lines and cables supplying the substation and not by the equipment inside the substation itself. If the substation itself produces a field outside its perimeter, it usually falls away over the first few metres.

- 6.4.11 A document produced by ENA energy networks association advises the following on substations:

‘Small electricity distribution substations, typically one for every few hundred homes, generally produce up to 2 microteslas close to their perimeter fence (occasionally more if built into another building, usually less for pole-mounted transformers), and often no electric field at all. The fields fall rapidly with distance and, within 1 to 2 metres from a typical substation, the fields associated with it are usually indistinguishable from other fields present in homes. Larger electricity transmission substations do not produce very large fields themselves (generally less than a microtesla); the fields close by are mainly produced by power lines and cables entering them. There is no restriction on EMF grounds on how close houses can be to substations’.

- 6.4.12 There is an existing house adjacent the sub-station in the corner of the site and there are many substations throughout the County adjacent to dwellings. It is not consider necessary to request a survey of of EMF levels around this sub station.

6.5 Ecology

- 6.5.1 An Ecological Assessment was carried out on this site in September 2017 by Star Ecology and an Ecological report submitted. The habitats on the site consist of scattered scrub, felled broadleaved woodland, saplings, tall ruderal vegetation, a species-poor hedgerow with ornamental trees along the eastern boundary, a mature lime tree in the south-east corner of the site and trees along the western boundary.
- 6.5.2 MD12 in accordance with CS6 and CS17 seeks to avoid harm to locally designated biodiversity and geological sites, priority species, priority habitats, important woodlands, trees and hedges and ecological networks. Whilst the site does provide some habitat for wildlife it is not a locally or nationally designated site, it does not form part of the environmental network or include important woodlands, trees or hedges other than the protected Lime tree at the entrance to the site which is proposed to be retained.
- 6.5.3 The submitted report and the Councils Ecologist confirm that there are no potential bat roosting features on the site but that the site is likely used by bats, badgers and hedgehog for foraging and/or commuting purposes and that the hedgerow and scrub provide potential nesting opportunities for birds. However there are no badger sets on the site or evidence of protected species.
- 6.5.4 The site is considered to be of low ecological value and conditions are recommended to provide ecological enhancement and to ensure appropriate native species landscaping and lighting of the site. It is therefore considered that the proposal is acceptable from an environmental perspective.

6.6 Landscaping/Trees

- 6.6.1 The tree officer reviewed the revised plans submitted in July and commented that whilst having certain reservations about the scheme regarding the proximity of retained and adjacent trees to the proposed dwellings, does not consider them sufficient to object to this application on arboricultural grounds. The tree officer did however identify some outstanding issues that needed to be addressed including no-dig construction methods, requirement for temporary setting-back of the tree protection barriers to be indicated, further clarification on the specification for the level of pruning and changes to surfacing materials.
- 6.6.2 A revised landscaping plan has been submitted and the key amendments in respect of impact on trees are as follows:
- The three originally proposed southern-most units, closest to the protected lime tree (T1 in the tree report), have been merged into a single unit and reduced in size.
 - Some of the units have been brought forward slightly to increase the rear garden space between the properties and the trees behind them along the western site boundary.
 - The new vehicular access point to the site has been realigned slightly to reduce potential impact on the roots of T1.
 - The majority of the hedgerow along the eastern boundary is to be retained.
 - Most of the poorly formed young trees within the eastern hedgerow are proposed to be removed and replaced with a double staggered avenue of new trees either side of the existing path.
 - A total of thirteen trees are to be removed which include nine of the trees in the eastern hedgerow referred to above, two (T12 and T13) in the middle of the western boundary hedgerow to allow for construction of the sewer link for the development and two trees (T21 and T22) in the top northwest corner.
- 6.6.3 The tree officer has confirmed that the further information submitted in the latest amended proposed landscape plan and tree report address almost all the concerns raised in the previous consultation response (dated 18th July 2018). The only outstanding issues are that the proposed facilitation tree pruning works are ambiguous in part and should be clarified and more clearly specified to the written agreement of the LPA, and none of the submitted plans clearly show the location of the areas where special no-dig construction techniques are to be employed within the root protection area of retained trees and hedges. Although it is included in the text of the Arboricultural Method Statement considers it should be more readily visible on key plans. These matters however can be dealt with by suitably worded conditions which are included in the appendix to this report.

- 6.6.4 This application was deferred by members at the February committee *'for further discussion in relation to the tree survey and an amended site layout if necessary as a result'*. This was due to an additional representation being received after the publication of the agenda with concerns that the Root Protection Area (RPA) around the now protected Lime tree being insufficient. The latest amended layout plan has moved built development away from the RPA of this Lime tree. The Tree officer states that the southeast corner of unit 1 still impinges fractionally into the adjusted RPA of the protected lime tree T1 but it is proposed to be constructed using screw pile and beam foundations to minimise potential root damage that can be caused by traditional excavations for strip foundations. A permeable gravel path and parking area are proposed to the south and east of unit 1 would also impinge marginally into the RPA of T1, to the extent of 5% of its total surface area. The tree officer considers this level of incursion to be acceptable and in any event the proposals are to use a 'no-dig' form of construction for the path and parking bays. It is therefore considered that the proposed development in terms of the impact on the Lime tree is acceptable.
- 6.6.5 In addition the tree officer is satisfied in terms of the tree protection proposed for all other trees within or adjacent to the boundary of the site. The majority of the trees along the western boundary are to be retained and pruned and the four to be removed are potentially not in the ownership of the applicant. The trees that overhang the development site can be pruned without the relevant owners permission but if the four trees proposed to be felled are on land not in the ownership of the applicant then they will have to get the owners consent. However this is a civil matter and does not affect the determination of the planning application.
- 6.6.6 There remains some concern regarding the proximity of the proposed houses to the trees along this western boundary, the majority of which are proposed to be retained and pruned. The tree officer has commented that the revised layout has moved some units further from the western boundary and that this, in combination with the option of periodic pruning by future occupiers as necessary, will be effective in providing a reasonable degree of separation between the trees and houses.
- 6.6.7 The sub-standard trees within the existing hedge to be retained along the eastern boundary that are an important interface with the recreation ground are proposed to be replaced with a new attractive avenue of specimen trees. In the short term the removal of the existing trees might be considered to be negative but in the long term due to the fact that these trees are in poor condition (some with Ash Dieback disease) means that replacing them at this opportunity will bring long term improvements. The replacement trees are proposed to be at least 12-14cm girth, 'heavy standard' size which will ensure their successful establishment
- 6.6.8 Subject to the imposition of a condition requiring the implementation of tree protection measures and landscaping proposals and further details regarding the no-dig methods and tree pruning it is considered that the proposals would not negatively impact on any important trees within the site and that the proposed new tree planting will be a long-term enhancement.

6.7 **Flood Risk/Drainage**

- 6.7.1 The site is situated in Flood zone 1 (the lowest risk of flooding) and whilst Drainage have confirmed that the proposed surface water drainage strategy in the Flood Risk Assessment and Drainage Resume is acceptable in principle full details of the proposed drainage details, plan and calculations should be conditioned to be submitted for approval.
- 6.7.2 Highways have confirmed that the highway drainage design, construction details and specification, may require some amendment, to ensure its compliance with the Council's adoption requirements and that this will be subject to specific assessment when an application is made for a highway S38 agreement.
- 6.7.3 Residents have expressed concern regarding the Victorian drainage system and that it does not have capacity for additional discharge to it. However Severn Trent has a statutory responsibility to supply and maintain a satisfactory means of foul sewage disposal for both existing and new dwellings.

6.8 **Developer Contributions (Affordable housing, Public open space)**

- 6.8.1 MD2 requires the provision of open space on site calculated at 30sqm per person based on a standard of one person per bedroom. However due to the large recreation ground adjacent to the site it is not considered necessary to provide on-site open space in this instance. By not requiring open space enables the provision of an additional dwelling.
- 6.8.2 CS11 requires that all new housing development makes a contribution to affordable housing calculated at a rate of 10% in this location under the current Housing SPD. This equates to one dwelling on site with the balance as a financial AHC. It has been negotiated with the applicant that due to the site being adjacent to a recreation ground there is no requirement for on-site open space provision and that instead of a financial contribution in lieu of this the additional house provided on site will be an affordable dwelling. It is considered that the over provision of two affordable dwellings provides far greater benefit than 1 affordable dwelling and a small financial contribution towards affordable housing and off-site open space. The two affordable houses will be secured by a S106 agreement.
- 6.8.3 The scheme will also be liable for a financial contribution towards infrastructure under the CIL regulations. This can be spent on local infrastructure identified in the place plans and can include education, maintenance of existing recreation grounds and play areas and maintenance and improvements to roads, cycle-ways, pavements and footpaths or tree and hedgerow planting and maintenance for example.
- 6.8.3 A representative of the Shropshire Playing Fields Association (SPFA) has objected to the application due to the loss of public open space. As outlined earlier in the report neither the Town Council or Shropshire Council consider the site to be Public Open Space and therefore this cannot be given weight in the planning decision making process. The SPFA also considers that the location of the houses goes against the Town Councils Policy on the location of play areas. This document

states the following:

‘Play areas should be accessible enough that parents should feel confident about where their children are playing; within visibility of neighbouring properties and along well used pedestrian routes. They should be sited close enough to housing that encourages informal parental supervision, but is not disruptive to residents enjoyment of their properties. LEAPs should be 25 metres away from the nearest residential building wall, whilst NEAPs should be 50 metres away’.

- 6.8.4 The Town Council also follow the ‘Six Acre Standards on Play’ which is a standard designed by the National Playing Fields Association (NPFA). The minimum distances between a play facility and the nearest dwelling set by the NPFA is 5m for a LAP, 10m for a LEAP and 30m for a NEAP. The play area is nearing a ‘NEAP’ as it does provide play value to 14 year olds. It is considered that the distance of the proposed houses from this play area will be more than the minimum distance of 30 metres set by the NPFA and meets the Town Council guidelines of between 25 and 50 metres. As outlined earlier in the report the provision of houses that will overlook the footpath, the recreation ground and the play area will provide a sense of security for users of the area and will deter anti-social behaviour.

7.0 CONCLUSION

- 7.1 The development of this site for residential development is acceptable in principle, and the site is considered to be of a sufficient size to accommodate the 15 dwellings proposed. The layout, pattern and density of development is in keeping with the linear development and the plot widths in the surrounding streets and the proposed dwellings are traditional in design incorporating architectural features found in the houses in the locality. It is considered that the layout of the site and the scale and design of the houses are appropriate and that the development would have no significant adverse impact on the character and appearance or visual amenity of the locality. It is also considered that the proposal would have no negative impact on heritage assets such as the listed Flaxmill and the Conservation area which are over 200metres way and screened by trees.
- 7.2 It is considered that a safe and satisfactory vehicular and pedestrian access can be provided to serve this relatively small development. Whilst the development will result in additional vehicular movements in the existing congested streets this impact is not considered to be severe and the increase in traffic movements would have no significant impact on the safe movement and free flow of traffic in the locality and on the wider highway network. It is also considered that the provision of 2 car parking spaces, per dwelling, is more than adequate in this sustainable location where there are opportunities for other forms of travel.
- 7.3 It is also considered that the provision of vehicular access to the site at the entrance to the existing car park would not impact on the use of the existing cycleways and footpaths in the locality as this is already a space shared with vehicles, cyclists and pedestrians, and it is considered that the additional vehicle movements would not be significant.
- 7.3 The proposal would not be harmful to protected species, and biodiversity

enhancements will be secured by the imposition of conditions. The tree protection measures will ensure the retention of the significant Lime tree and the trees and hedgerow to be retained, and the proposed planting of a double avenue of trees will provide visual enhancement and the landscape proposal is considered acceptable.

7.4 The proposal is considered to accord with the relevant Shropshire LDF Policies CS2, CS6, CS11, CS17, MD2, MD12 and MD13 and the overall aims and objectives of the NPPF of promoting sustainable development and boosting housing supply.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of ‘relevant considerations’ that need to be weighed in Planning Committee members’ minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance: National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan: CS2, CS6, CS11, CS17, MD2 and MD12 and MD13.

RELEVANT PLANNING HISTORY:

12/00620/OUT Outline application for the erection of 8 no. dwellings to include allotment space and means of access GRANT 23rd March 2016.

11. Additional Information

List of Background Papers: Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder): Cllr R. Macey
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Local Member: Cllr Alex Phillips

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4. a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contaminated on the site. The Site Investigation Report shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- a construction traffic management & routing plan and community communication protocol.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

6. Prior to the commencement of development a plan shall be submitted to the written satisfaction of the LPA that is based on the approved layout and clearly identifies and shows those parts of the scheme where a specialised 'no-dig' construction technique is to be employed, so as to avoid causing damage to the roots of retained trees and hedges. The development shall be implemented in accordance with this approved plan.

Reason: To clearly and simply show where specialised construction techniques are to be used to avoid causing damage to retained trees and hedges in and adjacent the site.

7. Notwithstanding the tree works proposed within the Tree Survey Schedule (Appendix 1) to the BS 5837: 2012 Pre-development Tree Condition Survey (Access2trees, Revision 3, August 2018), all pre-commencement facilitation tree pruning works shall be clearly specified and agreed to the written satisfaction of the LPA, prior to commencement of development.

Reason: for clarity and avoidance of doubt over intended works to retained trees in and adjacent the site.

8. All approved pre-commencement tree works (in accordance with condition 6 and 7) and the tree protection measures detailed in the approved Arboricultural Method Statement and Tree Protection Plan (Section 11 and Appendix 2 respectively of the BS 5837: 2012 Pre-development Tree Condition Survey [Access2trees, Revision 3, August 2018]) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

9. The development shall be implemented in accordance with the Arboricultural Method Statement and Tree Protection Plan contained within the approved BS 5837: 2012 Pre-development Tree Condition Survey (Access2trees, Revision 3, August 2018). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration

of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

10. The tree planting and landscaping scheme shall be completed as specified on the approved Proposed Landscape Plan (PL-010 G), prior to occupation of the first dwelling. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

11. Prior to first occupation / use of the buildings, the following boxes shall be erected on the site:

- A minimum of 4 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for small birds (32mm hole, standard design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

12. Notwithstanding the approved landscaping plan prior to its implementation an additional landscaping plan shall be submitted to and approved in writing by the Local Planning Authority to include details of features of ecological enhancements including hibernacula, hedgehog-friendly gravel boards providing passes under fences, amphibian-friendly gully pots and the makes, models and locations of the bat and bird boxes required by condition 11). The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To provide ecological enhancement of the site

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under condition 11). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

14. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

15. Before the relevant parts of the work are commenced details of the materials and form of the heads and sills to the window and door openings in the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

16. Prior to the commencement of the relevant work details of all external windows and doors and any external joinery shall be submitted to and approved in writing by the Local Planning Authority. All doors and windows and joinery shall be carried out in complete accordance with the agreed details

Reason: To ensure that the external appearance of the development is satisfactory.

17. Prior to above ground works commencing details of a scheme of foul drainage, and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of any of the dwellings.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

18. Prior to the relevant parts of the works commencing full details of the design and construction of any new roads, footways, verges, accesses, and street lighting together with details of the disposal of highway surface water shall be submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented prior to the first occupation of any of the dwellings.

Reason: To ensure a satisfactory access to the site.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

19. The car spaces to be provided shall be kept available for the parking of motor vehicles at all times, and the car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development

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Committee and date
 Central Planning Committee
 30 August 2018

Item
6
 Public

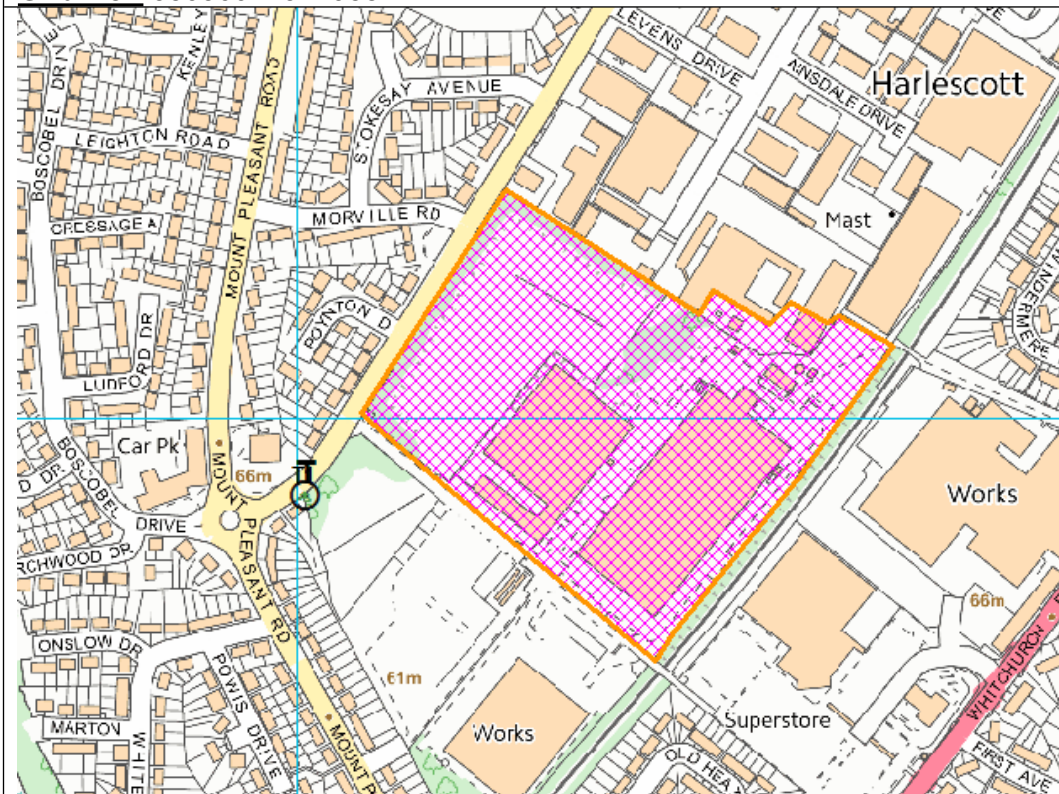
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/04558/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of new reception building, works to existing industrial, office and welfare buildings including external alterations, construction of a canopy structure between Buildings 2 and 3, clearance of space to accommodate the future expansion of Building 3 and the laying out of a replacement 275 space car park together with all associated landscape, engineering and accommodation works		
Site Address: Caterpillar Defence Perkins Engines Lancaster Road Shrewsbury		
Applicant: Mr Stephen Brown		
Case Officer: Tim Rogers		email: planningdmsw@shropshire.gov.uk

Grid Ref: 350360 – 314958



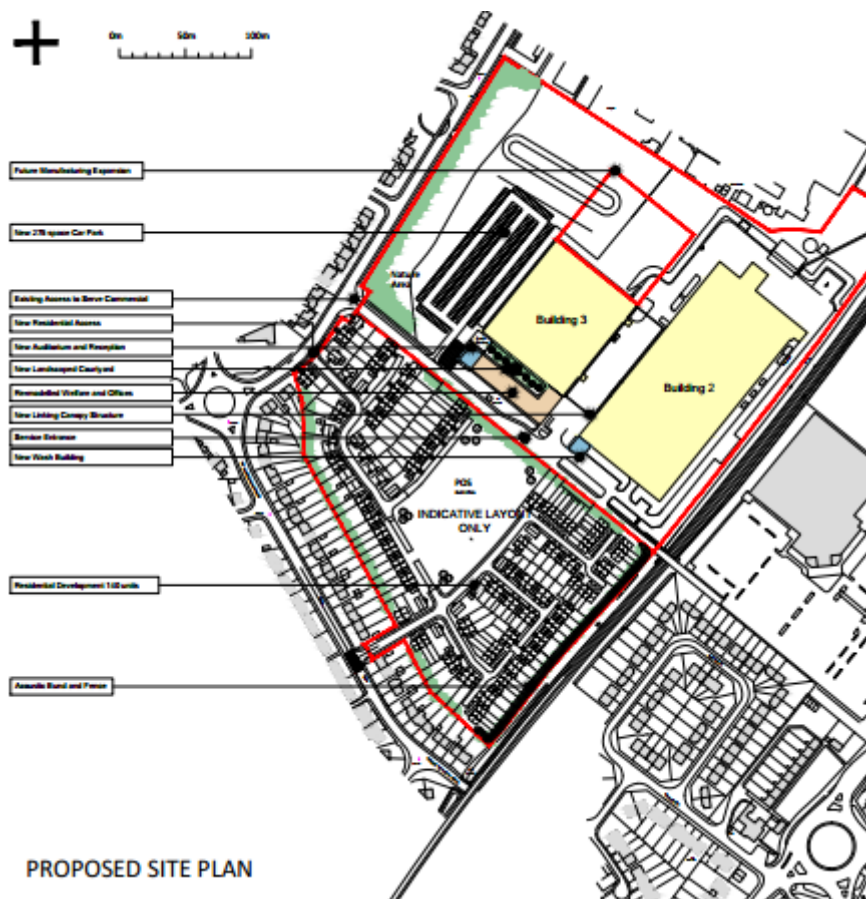
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Recommendation:- Grant planning permission subject to the developer entering into a legal agreement under s106 of the Town and Country Planning Act 1990 with the Council to fund the monitoring of a green transport plan and in accordance with the conditions set out in Appendix 1 to this report, the final schedule of which will be finalised by the Planning Services Manager.

1.0 THE PROPOSAL

1.1 The proposed development comprises a number of extensions and alterations to this employment site to the north of the town. This is the retained site to be kept for the continuation of the Caterpillar business. The southern third of the site is surplus to requirements and the authority is currently considering an application to demolish the existing building and redevelop the site for housing for up to 140 homes (16/04559/OUT) as set out in Figure 1 below.

Figure 1 Site plan showing two adjacent planning applications (16/04558/FUL and 16/04559/OUT)



This particular application proposes the following:

- Retention of the Lancaster Road access to serve the retained site
- A new 275 Space car park and circulatory areas and roads to the west of the buildings

- Recladding of the retained buildings in powder coated aluminium panels to upgrade their appearance and environmental performance
- A new two storey flat roofed extension on the southern end of the western-most building to form additional offices and reception areas, constructed using powder coated aluminium cladding
- Linking of the two retained buildings with a canopy to provide a weather proof loading and unloading area beneath.
- An area set aside at the north eastern side of the smaller of the two retained buildings (Building 3) for future expansion of the business.
- A “wash down” facility (12m x 12m) on Building 2.

- 1.2 The proposals are closely linked to the separate proposals to redevelop the southern part of the site for housing which is being reported separately on this agenda. If approved, the applicant has said the release of a capital receipt from the sale of housing land will enable this money to be reinvested in the retained site. Part of that reinvestment includes the works proposed in this application as well as additional plant on the site.
- 1.3 The proposals also include a small landscaped courtyard area in between the existing offices/welfare building at the front of the site and Building 3 at the rear, to provide an attractive amenity area acting both as an improved setting for the main reception area and as an area for staff to use.
- 1.4 The north western area of the site between the Lancaster Road frontage and the car park is marked as a nature area on the master plan and contains a pond, retained trees along the frontage and additional planting at the rear and open grassland to be planted as a wild flower meadow.
- 1.5 This application has been accompanied by an extensive amount of information including a transport assessment, landscaping (tree) and ecological information, a flood risk assessment, energy assessment, waste management plan, an acoustic report and a design and access statement. The investment on this site would be about £4.8m.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The site is located within the Lancaster Road Employment Area north of Shrewsbury town centre. The whole of the Caterpillar site extends to around 12.19ha. The retained employment area is around 7.88 ha and is roughly rectangular in shape. It contains two major buildings referred to as “Buildings 2 and 3”. The remainder of the site (4.31ha) contains “Building 1” which is currently surplus to Caterpillar’s requirements and where an outline planning permission for housing is being assessed separately. While the site is industrial in character, the surrounding area is predominantly residential especially to the south and west. To the north lies the retained part of the Caterpillar premises. The Shrewsbury to Crewe railway line runs to the east of the site. Beyond that lies Morrison’s supermarket, which is part of a larger commercial enclave. Immediately east of the site across the railway line is the residential development of Old

Heath. The houses on the northern edge of Mount Pleasant Road run along the south western boundary of the site up to the roundabout that forms the intersection between Mount Pleasant Road and Lancaster Road around which lies a small neighbourhood shopping centre.

2.2 Access to the site is currently via the main entrance on Lancaster Road, which runs directly east into the site serving the staff/visitors car park on the southern side (within the development area) before passing through a staffed checkpoint. It then proceeds into the built up part of the site, where it forms a series of service roads that encircle each of the main buildings.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The proposed development site lies within the defined settlement boundary for Shrewsbury as shown on the SAMDev Plan Proposals Map where new sustainable employment related development is acceptable in principle. However due to the scale of this development, in combination with the proposed housing to the south, and a Shrewsbury Town Council objection the Area Planning Manager in consultation with the Chair/Vice Chair of the Committee consider that it should be determined by the Planning Committee

4.0 **Community Representations**

- Consultee Comments

Shrewsbury Town Council – objects on the following grounds:

Members expressed concerns over the impact of this development on the existing traffic problems in this area. Traffic is regularly stationary, and not just at peak times. The vehicles generated from additional housing will only exacerbate this issue. Anomalies and inconsistencies in the traffic survey results have been identified.

* Members feel there is insufficient off-road parking

* Whilst some public open space is included in the indicative plan, members feel this is insufficient in relation to the density of the development

* The road layout enables all traffic to cut through the new development from Lancaster Road to Mount Pleasant Road and visa-versa. This is sure to become a rat run and a shortcut for motorists wanting to avoid congestion at the roundabout.

* Members feel the business and residential traffic should be separated for safety reasons.

In conclusion, Members are not opposed to this site being developed but feel the current plans are a missed opportunity, the site is overdeveloped and the layout could be significantly improved.

SC Highways – No Objection - Subject to the development being carried out in accordance with the approved details and the following highway conditions for a construction method statement, parking , travel plan.

Observations/Comments:

It should be noted that this advice generally considers this development as a 'standalone' application. Although, it is recommended that the comments made on the outline application for the proposed adjacent residential application (16/04559/OUT) are considered as the sites are specifically linked.

The existing access on Lancaster Road is considered adequate to serve the consolidated and new manufacturing/administration buildings being proposed together with the re-located staff car parking provisions on the site.

It is noted that in the submitted Design and Access Statement an alternative access on Lancaster Road has been considered to the north of this specific site. It is considered that this proposal has significant merit and should be further pursued in respect to improving the sites functionality. As well as separating it from the adjacent residential proposals.

The proposed relocated staff car parking facilities appear generous for the scale of development on the site. However it is acknowledged that the number of spaces is similar to that currently available within the existing site, and there is no proposed cessation of activities associated with the Caterpillar work. Indeed, it has also been proposed that there is likely to be some form of expansion in the future.

It is known that the local highway network is regularly congested, several times a day and the proposed development is unlikely to improve this situation. In this regard it would be beneficial if the Applicant considered the introduction of a Staff Travel Plan, in an attempt to reduce the impact this development has on the adjacent streets and improve the sustainable credentials of the site in general.

Recommends conditions for a construction method statement; travel plan; requirement for restriction of access into housing site to the south.

SC Economic Development: Support. (see detailed comments on 16/04559/OUT).

SC Tree Officer – Comments:

Having read the submitted Tree Condition report and proposed landscape scheme, unclear if the existing mature bund / edge planting to the site is to be removed and replaced which could have a significant impact on local amenity.

SC Drainage Team – Comments:

Proposed drainage details, plan and calculations should be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted. Flood risk and drainage strategy report technically acceptable.

SC Rights of Way– Comments:

No legally recorded public rights of way abut or cross the site or will be affected by this application.

SC Public Protection – No objection. :

Recommends a condition in relation to contaminated land is placed to ensure that the new buildings and people within are not impacted on by unacceptable levels of contamination:

Natural England – Comments:**Statutory nature conservation sites – no objection**

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Old River Bed, Shrewsbury SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Offers its usual Standing Advice on protected species.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

SC Ecology – Comments:

The Preliminary Ecological Assessment refers to a bat survey report (Daytime Bat Survey, Report RTMME-118846-02) but this does not seem to have been submitted with the application. Has asked to be consulted.

Officers have consulted SC Ecology again and will report any final comments received at the Committee.

Sustainable Transport Shropshire – Comments:Generally

The emphatic demand for proper provision of facilities for sustainable

modes of transport is a major theme of recent planning policies. This coincides with the remit of Sustainable Transport Shropshire.

Planning Policies

Shropshire Council has both a duty and aspiration to improve uptake of sustainable forms of transport. We share that aspiration, but do not find the current application reflects it as well as it could.

There are many policies which focus on this aim. Policy A9 of Shropshire's Local Transport Plan puts it very clearly:

- * cycle infrastructure aims to encourage more people to cycle for local journeys by improving conditions for cycling through a range of measures including:
- * designing new residential, business and retail areas in ways which prioritise access by cycle and foot;
- * provision of cycle tracks, cycle lanes, junction improvements, toucan crossings and other route enhancements as appropriate to provide safe, convenient and continuous routes for cyclists;
- * signing and promotion of advisory routes for cyclists;
- * working with partners to provide appropriately designed and positioned cycle parking at key destinations;
- * provision of appropriate storage for cycles in all new residential, business and retail developments.'

These goals apply equally for pedestrians.

Information on access to the Caterpillar works is not easy to find. There is to be a new 275-space car park. Access for sustainable modes of transport to the renewed industrial site is scarcely mentioned. The very word 'sustainable' appears boldly in headlines (design and access statement), but not at all in the subsequent text. Clearly more information needs to be provided.

This part of Shrewsbury has always had above average cycling and walking rates. It is also considered to be relatively deprived which may be linked with poor overall health, another theme of policy.

Summary

Sustainable transport modes could make a highly useful contribution to reducing congestion, but facilities to support them have not yet been given the priority they need. Planning policies to this end have not been given positive backing. More information on access to the industrial site is awaited.

- Public Comments

No representations have been received in respect of this particular application. Many objections have been received in relation to the housing element of this proposal which is reported separately.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of development and associated transport issues
- Visual impact and landscaping
- Ecology and Biodiversity
- Drainage and Flood Risk
- Land Contamination
- Impact on neighbouring residents including potential new residents on a new adjacent housing site
- S106 obligation

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site forms part of a larger employment site that is protected for employment purposes in the SAMDev Plan. Policy MD9 identifies the site as a 'Key Shropshire Site' and this policy seeks to protect such sites, according to their significance to the Shropshire economy, for employment uses to safeguard key employers, facilitate inward investment and to ensure that an appropriate range and choice of employment land and premises is maintained. Policy MD4 also broadly supports economic development activity on employment land. CS Policy CS13 commits the Council to promote development which supports enterprise and delivers economic growth. Paragraph 80 of the new NPPF (24 July 2018) tells decision makers that they should help create the conditions in which businesses can invest. It further advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both business needs.

6.1.2 This proposal equates to new inward investment on the site and it will safeguard Caterpillar's presence in the town. The applicant is an important and long established local employer. Supporting documentation with the application explains that 300 local people are employed at the site and that the refurbishment and upgrading of retained facilities are essential if the site is to remain competitive. It is considered that the proposed development sits easily with Policy MD9. The principle of the development is acceptable.

6.1.3 As well as the retention of employment generally, significant weight should also be given to the type of skilled employment that the company provides. This investment will not only support the retention of skilled employment but it will also allow Caterpillar to continue its current Apprentice schemes

and Community involvement. In this respect, Caterpillar advise that they currently employ 20 engineering apprentices in assembly, fabrication/ welding, inspection, machining, maintenance, quality control and engineering design. Caterpillar also plan to take in a further eight apprentices in September 2018 in engine/transmission testing.

6.1.4 In addition Caterpillar support:

- Young Enterprise with sponsorship and Business Mentors
- Science, Technology, Engineering and Mathematics (STEM) with ambassadors.
- Severndale Specialist Academy by allowing the use of their land for outdoor activities.
- Local schools with tours around the factory and work experience opportunities.

Caterpillar have graduate work placements in all areas of the office to include design, procurement and quality. They fundraise for Severn Hospice, have a CAT float at the Shrewsbury Carnival and participate in the Shrewsbury Dragon Boat Race raising money for charity as well as other work undertaken including at local schools, support for ex military personnel with career advice and contract labour provider with engineering career advice for the unemployed.

6.2 **Siting, scale and design of development and associated transport issues**

- 6.2.1 The site is of significant size extending to more than 12 hectares overall with just under 8 hectares retained for commercial purposes. The two retained engineering buildings and the associated office structures cover less than 50% of the site and the majority of the works to the buildings involve cosmetic changes to the exterior of them. In terms of scale and design, these alterations are considered to be acceptable and comply with CS Policy CS6 and SAMDev Policy MD2.
- 6.2.2 The new reception/entrance extension is of relatively modest scale. Its design involves full height glazing that creates a strong focal point and a modern enhancement of the more functional engineering buildings on the site. The curved canopy structure that will link both engineering buildings is discreetly located between the two buildings and will be at a level that is lower than both. It performs an important all weather function that will help to increase the efficiency of the business and it is an interesting foil for the otherwise functional appearance of the site. The washdown facility will not be visible from the public domain. These alterations to the site accord with CS Policy CS6 and SAMDev Plan Policy MD2.
- 6.2.3 The most significant change to the site arises from the new 275 space car park and associated drives and circulation spaces. CS Policies CS6 and CS7 seek to promote sustainable design and CS Policy CS7 seeks to

promote more sustainable transport options. The revised NPPF places new emphasis on development proposals aiming to support healthy lifestyles including cycling (paragraph 91) and promoting sustainable transport at the earliest stages of plan making and development proposals (refer section 9). This means addressing traffic impacts and pursuing opportunities to promote walking, cycling and public transport. The application in part acknowledges this through the provision of secure on site cycle parking provision.

- 6.2.4 The applicant has indicated that the new car park has been designed to replace the existing car park on the surplus site and is located close to the reception and office accommodation. Operationally, it is a logical location. It will occupy an area currently laid to grass, which is both featureless and of no real ecological interest. It contributes little to the setting of the buildings and, as a key employment site, appears to be under-utilised space. The car park area is not visible from outside the site and it is considered that the proposed car park development would have no impact on the character and appearance of the area. There will be ample open space retained on the site and this will be the subject of a new landscaping and ecology regime that will provide greater environmental benefits than exist at present.
- 6.2.4 Sustainable Transport Shropshire has queried the proposal in this respect. The scale of the car park has also been queried by the Highway Engineer although he has noted that the car park is similar in size to that which it will replace and that the master plan shows the siting of a possible future extension and its size also takes account of the fact that the company operates shifts so that on occasions car parking spaces will be occupied by workers arriving to work at the same time as workers leaving their shift. The proposed car park is intended to account for future expansion
- 6.2.5 The revised NPPF (released 24 July 2018) advises local authorities to identify and pursue sustainable transport options from the outset and design of schemes. To address this, while recognising the fact that this site operates on a shift basis, SC Highways has asked for a Transport Plan and the applicant has agreed to this. Typically, a Transport Plan for a business would involve them considering how employees and visitors travel to and from the site, vehicles owned and operated through the business and to identify, promote and monitor measures to reduce congestion through car share, promoting green vehicles and encouraging cycling.
- 6.2.6 The highway authority would be responsible for monitoring this and, for this reason, it would be necessary to secure funding through a s106 agreement to do this. The monitoring may reveal good practice that can be shared with other local businesses in the area. Given all of the above, it is considered that the new car park is acceptable in terms of siting and scale. There are no highway related objections to it either.

6.3 **Visual impact and landscaping**

6.3.1 The site is relatively well screened from public vantage points and the scale and appearance of the proposed extensions, cladding and car park are all considered to be acceptable. The existing landscaping that exists around the edges of the site will be retained and reinforced where necessary with new planting and this would be covered via a planning condition. In particular, the Lancaster Road frontage will receive additional tree planting and a new wild flower meadow to the northern side of the proposed car park to be covered via a planning condition. This will create additional screening and it is considered that the visual and landscape impact of the development is acceptable and meets the requirements of Policies CS6, CS17, MD2 and MD12 of the development plan.

6.4 **Ecology and biodiversity**

6.4.1 The applicant has submitted an up to date preliminary ecological assessment along with bat, reptile and great crested newt surveys. The surveys in combination confirm that the site can be developed safely subject to measures to protect bats (the nearest siting being 370m from the site). The ecologist acting for the applicant has recommended a number of site management conditions including measures to protect bats.

6.4.2 Natural England has not raised any objection to this scheme. The scheme does not conflict with SAMDev Plan Policy MD12.

6.4.3 SC Ecology's comments will be reported to the Committee including any recommended conditions or informatives.

6.5 **Drainage and flood risk.**

6.5.1 CS Policy CS18 indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance (refer Section 14 of the new NPPF).

6.5.2 The site is not in a high risk flood zone. SC SUDS has reviewed the application and the flood risk assessment that accompanies it and supports it subject to it achieving sustainable development principles.

6.6 **Land contamination**

6.6.1 The new NPPF places significant emphasis on minimising pollution risks and land instability, including from natural hazards or former activities such as mining and pollution arising from previous uses and any remediation proposals. Policy CS6 of the Core Strategy requires all development proposals to take proper account of potential hazards and to undertake necessary remedial measures to ensure that development is safe.

6.6.2 The site has been in use for several decades as a heavy engineering centre and there is the potential for ground pollution arising from on-site

activities. The Council's Public Protection Officer has recommended inclusion of a pre-commencement condition requiring detailed site investigation for contaminants and pollutants together with a mitigation and remediation strategy, if necessary.

6.7 Impact on neighbouring residents including potential new residents on a new adjacent housing site

6.7.1 The proposed works are some distance from existing residents on Lancaster Road. The Council's public protection officer does not object to this scheme. The construction management condition recommended by SC Highways will protect the living conditions of existing nearby residents during construction and it is necessary to impose this condition given the scale of the works and the site's interface with housing on Lancaster Road.

6.7.2 However, consideration needs to be given to the potential impacts of this existing and future activity on the site affecting residents of the proposed adjacent housing site. The applicant notes this potential conflict and has recommended a condition requiring noise emissions associated with the use of the employment land not to exceed background levels for daytime and night time working. This condition, along with a condition requiring a bund on the proposed housing site will theoretically allow Caterpillar to operate without affecting the living conditions of new residents. Thus, a manufacturing use and housing will be successfully segregated from one another.

6.8 S106 Obligations

6.8.1 The developer has agreed heads of terms for a S106 agreement for this site. The developer has committed to cover the costs of a transport plan monitoring for £10,000 for the retained employment site.

6.8.2 The negotiation of travel plan monitoring funding is justified to ensure the development addresses development plan policies set out in Core Strategy Policies CS6, CS7 and CS8. The sum sought is reasonably related to this scheme. Thus the agreement would accord with Regulation 122 of the CIL Regulations 2010.

7.0 CONCLUSION

7.1 The development accords with the development plan. It will support an important and long established local employer to stay in the town. Significant weight must therefore be given to the economic benefits of this scheme as well as the social benefits associated with activity with the applicant does in the town especially in the field of local apprenticeships and outreach with schools. There are no environmental constraints that would prevent this from being supported provided the developer enters into a green transport plan. For this reason, the scheme is recommended

for approval.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be

weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework (July 2018)

Core Strategy

CS1 - Strategic Approach

CS2 - Shrewsbury Development Strategy

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

SAMDev Plan

MD2 - Sustainable Design

MD4 - Managing Employment Development

MD9 - Protecting Employment Areas

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

There is an extensive planning history relating to this site. The following are considered to be most relevant to this case:

1. SA/BR/0832/89/9 - Construction of single storey factory and two storey office block. Approved.
2. SA/00/0363 - Erection of 9 no. exhaust stacks, formation of 18 no. new openings in external walls for air intake to exhaust stacks after removal of existing 20 no. exhaust stacks. Approved.
3. SA/75/0103 - To erect single storey factory building No.2 with test beds, office and mess room facilities and separate fuel farm, 380ft. long x 270ft.wide x 39ft/40ft high or thereabouts parallel with the railway and opposite existing works. Approved.
4. SA/76/0152 - Erect bicycle sheds 24.2888m x 7.560m. Approved.
5. SA/77/0818 - Extension to existing car park. Approved.

11. Additional Information

[View details online on the Shropshire Council Planning Portal:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Ioan Jones

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

4. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

5. Contaminated land
 - a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

7. No development shall proceed until full drainage details, plan and calculations of the surface water drainage proposals consistent with sustainable urban drainage principles have been submitted to the local planning authority for approval in writing. The details shall include any maintenance regime for any sustainable drainage system on the site including who will manage it for the lifetime of its operation.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design and remain in good working order.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

8. Prior to the commencement of the development a Staff Travel Plan demonstrating measures to promote greater use of sustainable transport measures shall be developed and submitted to and approved in writing by the Local Planning Authority. The approved Staff Travel Plan shall be implemented immediately on completion the new car park and relate to the entirety of the development, as well as reflect the phasing of occupation of buildings, etc. as appropriate.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in the National Planning Policy Framework and Shropshire Council Local Development Framework Adopted Core Strategy Policies CS6 and CS7.

9. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

10. Noise emissions (as measured at the shared boundary) associated with the use of the employment land, for its intended purpose (manufacturing), shall not exceed the background levels for daytime and night time working as recorded in Acoustic Feasibility Report dated April 2015 (Ref: B7771/FEAS/P1) prepared by RPS Group.

Reason: To protect the living conditions of residents in the vicinity including potential new residents associated with a planning application on adjacent land (16/04559/OUT)

11. The means of access to the development shall be from Lancaster Road only. There shall be no means of access, either vehicular or pedestrian from Mount Pleasant Road or via the proposed new residential streets shown in the application reference number 16/04559/OUT.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

Informatives

1. Your attention is drawn to the fact that your development site is close to Network Rail land. You are advised to contact Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

2. Disabled needs
The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

3. The Council's drainage officer has submitted detailed advice on how to discharge the drainage condition included in this permission. You will be expected to have full regard to and comply with Shropshire Council's Surface Water Management: Interim Guidance for Developers in this respect.

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Committee and date
 Central Planning Committee
 30 August 2018

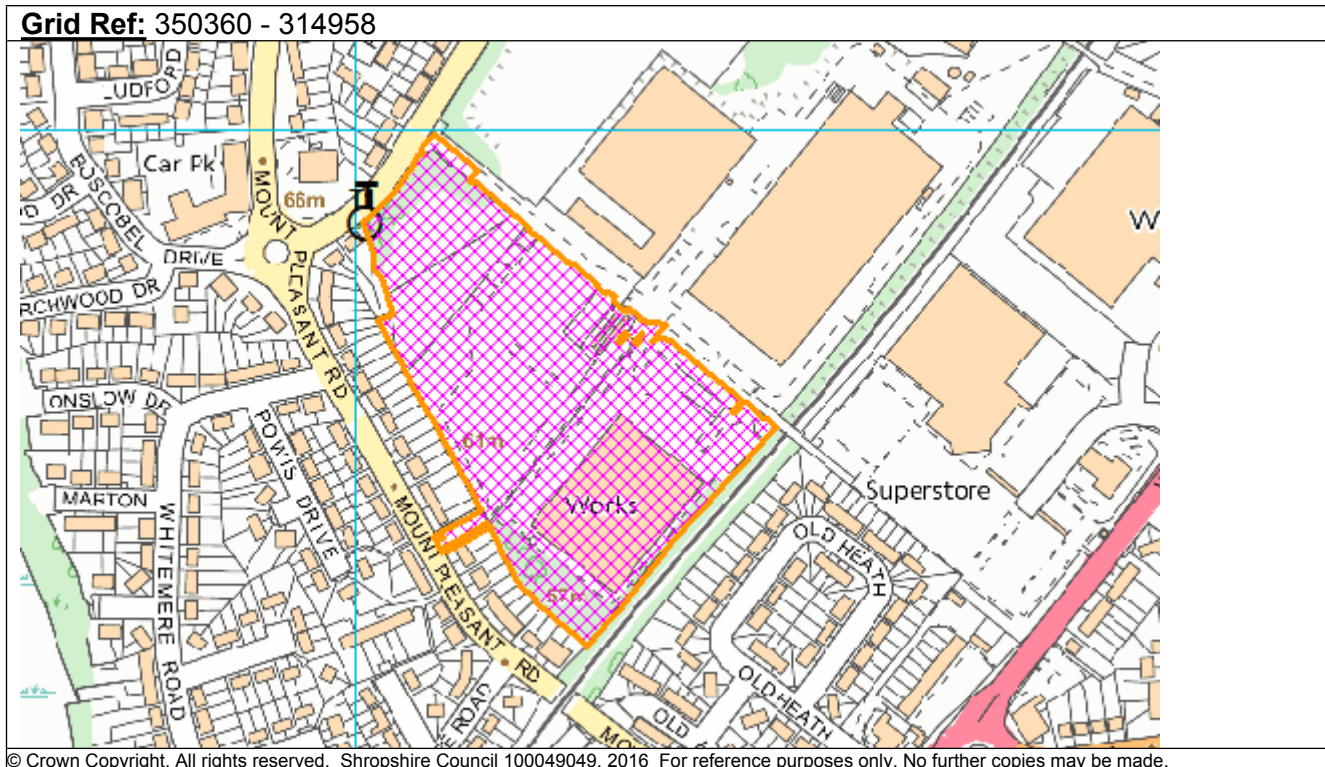
Item
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 Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 16/04559/OUT	Parish:	Shrewsbury Town Council
Proposal: Outline application (access for consideration) for residential development (up to 140 dwellings) including demolition of building 1; formation of access roads and associated highways, engineering and accommodation works (REVISED SCHEME)		
Site Address: Caterpillar Defence Perkins Engines Lancaster Road Shrewsbury Shropshire		
Applicant: Caterpillar Defence		
Case Officer: Tim Rogers	email: planningdmsw@shropshire.gov.uk	

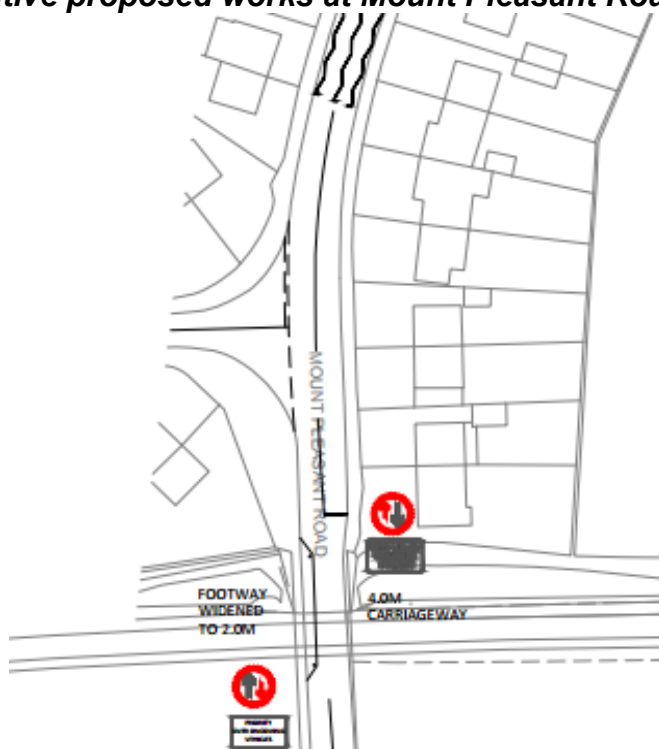


RECOMMENDATION: Grant planning permission subject to the developer entering into a legal agreement under s106 of the Town and Country Planning Act 1990 with the Council and in accordance with the conditions set out in Appendix 1 to this report, the final schedule of which shall be finalised by the Planning Services Manager.

1.0 THE PROPOSAL

- 1.1 Planning permission is sought to demolish an employment building (“Building 1”) on the Caterpillar employment site in Lancaster Road and redevelop part of the site for residential development, access roads, public open space and associated highways, engineering and accommodation works. The application is in outline form with permission for access sought for approval now with all other matters reserved to a later stage. One new access point would be provided onto Lancaster Road and the other access from the site would come from Mount Pleasant Road.
- 1.2 The application form states “up to 150 dwellings”. The applicant agreed in June 2018 to revise the scheme downwards to 140 dwellings. A new indicative layout has been submitted to show the level of public open space (8,137 sqm) that could be provided on the site to address SAMDev Plan Policy MD2 and to show how it could be laid out having regard to its relationship with the Shrewsbury to Crewe railway line to the east and the need to have a bund. The indicative layout shows the following potential following mix of houses: 2 bedrooms 37 units (26%); 3 bedrooms 82 units (59%); and 4 bedrooms 21 units (15%)
- 1.3 The applicant proposes to fund off site footpath improvements as an integral part of the scheme by the overhead railway bridge that crosses Mount Pleasant Road. These would comprise new waiting restrictions and the creation of a 2m wider footpath on the southern side of Mount Pleasant Road (see Figure 1).

Figure 1 Illustrative proposed works at Mount Pleasant Road



- 1.4 There is a bridge spanning the railway line that crosses over to the Morrison's superstore car park. This is currently blocked-off. Officers have explored with the applicant and with Network Rail the possibility of re-opening this bridge to provide greater permeability between the two sides of the railway but Network Rail oppose this. The bridge will be demolished shortly.
- 1.5 This application and the adjacent application for employment (16/04558/FUL) has been accompanied by an extensive amount of information including a transport assessment, landscaping (tree) and ecological information, a flood risk assessment, energy assessment, waste management plan, an acoustic report and a design and access statement. The applicant also submitted a commercial business case for the proposal on a commercial in confidence basis. The thrust of the case is that Perkins and then Caterpillar (which took over Perkins) have been in the area for over 100 years. At its peak the site employed 3,000 people. Its operations have changed over time. The site now employs 280 people on site with an established supply chain nearby. The company has surplus land and has reviewed a number of options for its reuse but finds that housing would deliver the most certain form of return to allow it to invest in the plant on site.

2.0 **SITE LOCATION/ DESCRIPTION**

- 2.1 The development site is roughly triangular in shape and extends to 4.31ha in area. It forms the edge of the Lancaster Road Employment Area north of Shrewsbury town centre.
- 2.2 The surrounding area is predominantly residential in character and the site is contained by neighbouring development. To the north lies the retained part of the Caterpillar premises. To the east runs the Shrewsbury to Crewe railway line set within a cutting. Beyond that lies Morrison's supermarket, which is part of a larger commercial enclave. Immediately east of the site across the railway line is the residential development of Old Heath. The houses on the northern edge of Mount Pleasant Road run along the south western boundary of the site up to the roundabout that forms the intersection between Mount Pleasant Road and Lancaster Road around which lies a small neighbourhood shopping centre.
- 2.3 The site is relatively flat and is bounded by a mix of trees around the edge and fencing to the south.

3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The application is a complex and major one which, in the opinion of the Planning Services Manager, in consultation with the Central Planning Committee chairman, should be determined by the Committee. Moreover, Shrewsbury Town Council has objected to it.
- 4.0 - **Consultee Comments**

SC Highways: - No objection

Had originally opposed the scheme on the basis that the applicant had not shown how a development of 150 homes could be adequately accommodated on the highway network.

Following further discussion with the applicant and mindful of the lower scale of the scheme (now 140 homes), offer the following comments.

This is not a straightforward site having regard to the background traffic flows on the local highway network set against the historic land use and its designation as an employment site within the SAMDev Plan. In this regard the application is supported by a Transport Assessment (TA) which considers the land coming forward as a B2 commercial use set against a residential development (originally proposed for up to 150 dwellings). The TA has subsequently been the subject of ongoing discussions. It is acknowledged also that whilst the application is in outline (originally up to 150 dwellings and subsequently revised downwards), the scale of development is not being considered at this outline stage and only access is included within the current submission.

The development site would be served via two access points, that is, Lancaster Road and Mount Pleasant Road, with the intention that there would be a 'no through road' internal estate road layout to avoid potential 'ran running'. As stated previously, the current submission does not consider layout and that would be the subject of a reserved matters application. The draft layout shown within the application submission nevertheless gives a flavour of how the site could be developed and the number of dwellings accommodated.

Access via Lancaster Road is more straightforward than Mount Pleasant Road, particularly at peak times given the queuing that takes place along Mount Pleasant Road across the junction bellmouth back and beyond the roundabout with Lancaster Road. This is an existing access serving the Caterpillar site which is in use. The current scheme indicates the provision of additional yellow hatching to assist in keeping the Mount Pleasant junction bellmouth clear, to allow unhindered entry and exit during peak traffic conditions.

The peak traffic conditions on the local highway network and the queuing of traffic that takes place are widely acknowledged. The TA seeks to quantify the effects of the housing land use and employment use set against the background highway conditions. The reality is that as a result of development of the site, the traffic conditions would worsen on the network although it is arguable as to what extent the material impact would be. Again, this is not a greenfield site and is designated in the SAMDev as an employment site and therefore there is a potential balance to be struck as to most appropriate land use in pure highway terms. This is particularly relevant in relation to the traffic flows generated by a housing land use to that of employment, where the peak traffic flows into and out of the site would be opposite to one another. The view that the highway department would take is residential land use is preferred as there is some certainty of the likely traffic generation as opposed to the unknown of employment traffic generation.

Whilst therefore the highway authority have concerns at potential traffic impact of the development of the site, a highway objection to the principle of development would be difficult to argue for the reasons set out above.

It is disappointing that the applicant/agents have not been able to make headway to bring the pedestrian bridge back into pedestrian/cycle use and therefore improve the sustainability of the site. This is a negative aspect of the scheme.

The applicant/agent during discussions have acknowledged the pedestrian constraints under the railway bridge along Mount Pleasant Road and have promoted a priority traffic management scheme that would result in pedestrian improvements i.e footway widening/provision. Clearly this would result in the narrowing of the carriageway to single width and hence a priority traffic management system. The applicant's agent has carried out a traffic assessment on introducing such a measure and the highway authority consider that the introduction of such a scheme would be acceptable. It is anticipated however that any implementation of a final scheme would be the subject of an experimental scheme being implemented and tested. This aspect would need to be articulated into a Section 106 Agreement, with the funding provided by the applicant.

As with the adjacent employment site application (16/04558/FUL), a Travel Plan should be included within a Section 106 clause.

In summary, whilst the highway authority have concerns at the development of this site, clearly there is a balance to be struck having regard to the highway and planning considerations together with its acknowledged site designation in the SAMDev Plan and indeed its historic designation in previous local plans. The highway authority do not therefore wish to raise a highway objection subject to a Section 106 requirement in respect of the Travel Plan and Traffic Management Measures. In addition, standard highway conditions should be imposed in respect of the access points, as shown on the submitted development.

SC Archaeology:- No comments

SC Affordable Homes: - Comment

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 10%. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme. However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing

with the Housing Enabling team before any application is submitted.

SC Public Protection: - Comment

Contaminated Land

GeoRisk Management on behalf of the developer have submitted a GeoEnvironmental Assessment; ref. 15237/1, dated January 2015. There is an error in Executive Summary which states "Merryhill Brook which flows in a culvert beneath the site and the Staffordshire and Worcestershire Canal runs along the eastern boundary of the site". This is not the case and seems to have been copied into the report by error.

At the time of reporting a Soil Gas investigation was underway and it was advised that the results will be reported under separate cover. This addendum report is missing and therefore will be required along with any future reporting on contaminated land.

The area beneath Building 1 needs to be investigated following demolition (an asbestos survey will be needed prior to demolition). Accordingly, if approval is granted full contaminated land conditions are recommended.

Noise

An acoustic report has been provided with this application compiled by RPS reference B7771/FEAS/P1. This report states that , "Dwellings to the perimeter are likely to need some form of mitigation measure, i.e. boundary mitigation to lower the level of noise impact, or acoustically robust façade treatments to reduce the levels of break-in to proposed residences. Neither option is insurmountable nor technically difficult to progress."

New housing will require mitigation measures to be put in place to ensure that noise levels on site will be suitable. Some of these measures may reduce the development area available e.g. bund and fence on the boundary with the railway line. This will have a significant impact on positioning of dwellings as one of those currently shown would not be possible if the bund is necessary and in my opinion the bund will be necessary.

Recommends a suitable noise mitigation condition too.

SC Economic Development: - Support

The proposals arise because of changes to business operations and the need to compete effectively with improved manufacturing techniques and investment in state-of-the-art equipment.

The Economic Growth Team supports the proposals which acts as enabling development to fund the rationalisation and remodelling of existing operations on site and the associated investment.

They will secure a future for the company in Shrewsbury, which has been selected as the centre of Caterpillar's remanufacturing operations in Europe and safeguard

existing highly skilled jobs. The additional investment will also boost and secure continued support to the local supply chain.

In policy terms whilst there is a the loss of employment land it will not lead to a net loss of jobs due to more efficient use of the site, indeed there is potential to expand through extending Building 3. The works also include a new reception area, remodelled welfare and office block together with over-cladding of the existing buildings and roof replacement leading to improved external design and reduced running costs.

The proposed residential site is located close to existing employment opportunities on bus routes and near existing shopping and community facilities. Given the proximity of existing residential development, were the surplus land be developed for employment use there would be a need for mitigation measures including stand-off zones and mounding to limit the impact of new industrial development which would reduce the developable area.

SC Drainage: - Comment

The proposed drainage details, plan and calculations should be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

SC Natural Environment: - Comment

Overall the proposed development will require the removal of forty-six "B" category individual trees and one category "A" tree (T9 Lombardy Poplar) and three groups of trees. Many of these trees have very limited amenity to the public being internal to an industrial estate. I have no objection in principle and am neutral about the loss of these trees subject to good mitigation planting. More visible linear curtilage trees are found to the north-west and west, beyond which are residential properties off Lancaster Road and Mount Pleasant Road. These trees have a screening function and are shown as mainly retained.

However there is one tree on site an English oak tree, number 42A, which currently has a garage proposed within its root protection area (RPA). The proposed garage and associated hardstanding will affect the RPA by approximately 17.8 m². Although the report states this tree will be able to tolerate this minor infringement into its RPA and not affect this tree's health or stability, the proximity issues with retaining a mature Oak in a small garden has not been fully considered. Shading, debris and nuisance factors would put long term pressure on this tree – the only one protected on site.

Would like to see a minor re-design in this area so this tree is retained in POS, protecting as a minimum, its full root protection area (RPA).

Prepared to accept loss of the "A" Lombardy Poplar as being an unsuitable species to retain within a residential site although the loss of this specimen represents a loss to the visual amenity value of the site and as such replacement tree planting is recommended to offset this loss as part of an overall landscape scheme to mitigate the loss of existing trees and create a new framework of formal and informal

planting.

In addition to a Landscape scheme a full application will also require the draft Tree Protection Plan and Arboricultural Method Statement to be updated (once the layout has been confirmed).

Natural England: - Comment

No objection – no conditions requested

This application is close to The Old River Bed Shrewsbury Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that:

'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving

biodiversity'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

SC Ecology: - No objection subject to conditions and informatives.

Has reviewed comprehensive ecological information and the observations of Natural England. Habitats on the site consist of a building, hardstanding, semi-improved grassland, amenity grassland, scattered scrub, broadleaved plantation woodland, scattered mature and semi-mature trees (predominantly along the southern boundary), introduced shrubs, hedgerows and fencing but studies have shown information of potential for bat, mammal and other amphibian, herbtile habitats. No great crested newts.

Environment Agency: - Comment
Contaminated Land:

The published geological map for the area shows that the site is underlain by glacial till and sand and gravel deposits, which are classified as a Secondary undifferentiated and Secondary Aquifer respectively. The bedrock geology beneath the site is the Kinnerton Sandstone Formation which forms part of the Permo-Triassic Sandstone Principal aquifer which is considered to have high vulnerability to contamination at the site's location.

The site is within a Source Protection Zone (SPZ) 3 and the nearest recorded groundwater abstraction point is a deregulated supply approximately 220m south of the site. The nearest surface water is the Bagley Brook located approximately 430m to southwest of the site boundary, however storm drains from the site directly connect directly to a tributary of the River Severn approx. 550m south of the site. We have reviewed the submitted report (Georisk Management Limited: Geoenvironmental Assessment – Caterpillar Remanufacturing Services Plant, Lancaster Road, Shrewsbury – Report No: 15237/1 – January 2015) and note the following:

1. The intrusive investigations involved in the excavation of:
 - 2 No. cable percussive boreholes to a maximum depth of 15.6m below existing ground level (begl);
 - 17 No. dynamic percussive boreholes to a maximum depth of 4.0m begl;
 - 4 of which appear to be outside the boundary for the planning application.
 - 3 within the proposed site boundary were constructed as 50 mm diameter combined soil-gas and groundwater monitoring wells
 - 4 No. hand dug pits,
 - All of which appear to be outside the boundary for the planning application.
2. Laboratory testing of only 15 no. soil samples from within the site boundary was undertaken.
3. The rest groundwater level beneath the site ranged between 1.5 and 2.2m begl.

4. The desk study report shows that the only previous use of the site was agricultural. Although a pond has been backfilled and there is an over ground tank present.
5. The ground investigations and sample analysis did not detect any contamination apart from olfactory evidence of oil near the storage tank between 2.0 and 2.5m begl.

The report states that “the EA has no records of any significant or major pollution incidents to controlled waters within 500 m of the site” however, there is publically available information showing that there was a pollution incident in 2009 involving oils and fuels that had a significant impact to land and water. The incident is shown to be approx. 200m from the site boundary and could potentially be impacting on the site.

- We are aware of storm drains running beneath the site which have previously acted as conduits for contamination from pollution incidents. It is likely that access to these drains will need to be maintained.
- The Agency concurs with the recommendation of the report that further ground investigations be undertaken to enable complete coverage of the site, particularly beneath the footprint of the ‘Building 1’.
- It is also noted that only 15 window sampling holes/boreholes have been undertaken with only 15 no. soil samples and no groundwater samples were submitted for laboratory analysis. This is considered to be inadequate to characterise the site.
- We also note that electricity substation is located within 15m of the site boundary, however PCB compounds have not be analysed for. It is therefore essential that PCB’s are included in the analysis.

A series of planning conditions relating to land contamination and drainage are recommended.

Network Rail: - Comment

No objection in principle to this proposal but concerned about the proposed access route as there is a low headroom bridge south east of the site on Mount Pleasant Road, suggest a different route is proposed in order to avoid the risk of bridge strikes.

Provides detailed advice about the safe operation of the railway and the protection of Network Rail's adjoining land covering bridge strikes, foundations, drainage, access points, fencing, site layout and piling, excavation, signalling, landscaping, lighting, signalling, excavations/ earthworks close to its assets.

These are civil matters. This information has been communicated to the agent.

Shrewsbury Town Council: Objects to this application for the following reasons:

- Will add to existing traffic problems in this area. Traffic is regularly stationary, and not just at peak times. The vehicles generated from an additional 150 properties will only exacerbate this issue. Anomalies and inconsistencies in the

traffic survey results have been identified.

- Members feel there is insufficient off-road parking
- Whilst some public open space is included in the indicative plan, members feel this is insufficient in relation to the density of the development
- The road layout enables all traffic to cut through the new development from Lancaster Road to Mount Pleasant Road and visa-versa. This is sure to become a rat run and a shortcut for motorists wanting to avoid congestion at the roundabout.
- Members feel the business and residential traffic should be separated for safety reasons.
- In conclusion, Members are not opposed to this site being developed but feel the current plans are a missed opportunity, the site is overdeveloped and the layout could be significantly improved

Public comments

The application is a departure from the development plan and was advertised as such.

Forty-one letters of objections have been received over two rounds of consultation mostly focusing on traffic but raising other matters too.

Principle

- Loss of employment land. Site should be used for industry instead.
- Questionable whether this application would save jobs.

Highways and Transport

- Traffic Assessment misleading. Survey taken outside of peak hours. Suggest a survey is undertaken from 8.15 - 9.00am and 3.30pm to 5.30pm instead which will provide a more accurate representation of the amount of traffic using Mount Pleasant Road.
- The survey seems to have been conducted mainly at the roundabout where Mount Pleasant Road meets Lancaster Road. The traffic problems occur further down Mount Pleasant Road towards the railway bridge.
- The Queue Length Survey at Table 3 was carried out during mornings only and between the hours of 8.00 a.m. and 9.00 a.m. Mount Pleasant Road is used by a lot of workers commuting to sites on Lancaster Road and at Battlefield, which are manufacturing sites. As is the case with Caterpillar itself, most of the workers will have started work prior to 8.00 a.m. Thus, the survey would not have taken these commuters into account. If the survey was conducted between the hours of 5.00 p.m. and 6.00 p.m. the figures would be greatly increased.
- Mount Pleasant Road struggles with the morning and early evening traffic. Queues often form from the bottom of Mount Pleasant Road, where it meets Ditherington Road, all the way up to the island joining Lancaster Road and Boscobel Drive and beyond.
- You cannot drive down Mount Pleasant Road from the roundabout towards the railway bridge between the hours of 8.00am - 9.15am and 3.30pm – 6pm without sitting in very slow queuing traffic, it is sometimes even worse on a

Saturday with traffic queuing for most of the day.

- No footpath on eastern edge of Mount Pleasant Road where it passes under the railway bridge. Due to the proposed development also being on the eastern edge, there are safety issues to consider regarding the risk to pedestrians using the road to pass under the bridge instead of crossing to the opposite pavement. A pedestrian crossing of some kind would possibly be in order, there is already one located the other side of the bridge.
- Strongly object on traffic grounds. Some residents have lived on Mount Pleasant Road directly opposite the site entrance for between 14 and 19 years and the traffic congestion is getting worse.
- Impossible to imagine how this road can accommodate vehicles from 150 new homes – ridiculous.
- If the Mount Pleasant Road entrance is made into a road for the housing development then it will only add to the utter chaos we live with daily. This access will add to the already serious congestion.
- Cars coming up from Mount Pleasant Road from the railway bridge end wishing to turn right into the proposed development will have an extremely long wait due to the volume of traffic coming down Mount Pleasant Road causing a tailback of traffic both sides of the road.
- Traffic coming from the railway bridge end needing to turn right will have great difficulty getting through an already dangerous road. It can take me around 35 minutes to travel down Mount Pleasant Road or Lancaster Road at peak times of the day.
- Serious concerns regarding the traffic situation which can be backed up beyond the Steam Wagon pub on a daily basis making it a nightmare to get off our drives.
- If the Harlescott level crossing closes in the future then everyone will be using Mount Pleasant Road creating even more congestion.
- Likely to increase safety hazards for local school children who use the road. Trying to cross at the moment can be a nightmare.
- Traffic coming down Mount Pleasant Road also impacts on Ditherington Road and Heathgates Bank and roundabout. The closure of the Grange School in the summer of 2018 will also create more traffic on Mount Pleasant Road as parents drive their children over to Sundorne School.
- There is already a major housing development going on in Greenfields on the Ellesmere Road and we expect traffic to increase from this.
- Crossing the railway line is a major factor. There are only 4 points where it can be crossed on this side of the town when entering or leaving Shrewsbury. As the Ellesmere Road and the Harlescott Lane crossings are already very busy with queuing traffic, traffic is naturally using Mount Pleasant Road as the next nearest crossing.
- Mount Pleasant Road cannot cope with the existing levels of traffic let alone adding the traffic generated by another 150 families from the proposed development.

Suitability of site for housing

- Residents will be affected by railway line noise.
- On site contamination.

Other matters

- Will have an effect on landscape.
- Will overlook my house/ cause loss of privacy.
- Will affect Grade II listed building at Old Mount Pleasant. Should therefore be for fewer houses.
- Effect on local infrastructure.
- Extra air pollution generated by more traffic.

5.0 THE MAIN ISSUES

- Principle of development
- Impact on highway safety and transport
- Impact on local infrastructure
- Impact upon the character and appearance of the area
- Impact on residential amenity
- Impact on landscape and trees, biodiversity and ecology
- Drainage and flood risk
- Provision of affordable housing
- S106 obligation

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 There are three issues of principle to be considered here. First, the principle of more housing at this location. Secondly, whether it is appropriate to site housing next to land used for an engineering/ manufacturing (Use Class B2) activity; and, thirdly, the impact of the release of part of the Lancaster Road Employment Area for non-employment uses on the supply of employment land in Shrewsbury.

Principle of housing at this location

6.1.2 The site is located within the defined settlement boundary of Shrewsbury where CS Policy CS1 and SAMDev Plan Policy S16 support new development for housing will in principle, subject to compliance with other relevant development plan policies and other material considerations that will influence how a development proposal fits into the locality. The housing requirement for Shrewsbury in SAMDev is approximately 6,500 dwellings in the period 2006 to 2026. As of 31 March 2017, the Council's five year housing land supply statement showed that 3,361 new homes had been completed.

6.1.3 The new NPPF (paragraph 118) now tells decision makers to give substantial weight to using suitable brownfield land within settlements for homes and to support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. It also directs Councils to promote and support the development of under-utilised land and buildings. The provision of up to 140 extra homes in a relatively accessible location on a windfall site – especially on brownfield land that is surplus to Caterpillar's requirements - will therefore make a modest contribution to meeting the town's projected housing requirement while protecting open countryside on the fringe of Shrewsbury. Substantial weight must

therefore be given to this benefit and other benefits associated with this including the provision of affordable housing and especially for a scheme that seeks to introduce a more compatible land use (housing) vis-à-vis housing at Mount Pleasant Road.

Siting housing next to an engineering/ manufacturing use

- 6.1.4 Having established that there is some merit in releasing this site for housing for the reasons set out by the applicant in the business case, it is then necessary to consider whether it is appropriate in principle to site housing next to a Use Class B2 activity. The two uses are potentially incompatible. The applicant proposes and is in agreement with an acoustic bund on the housing side and a noise control on the B2 site that would run with the land where no current control exists (see report for 16/04558/FUL). The site incidentally adjoins the railway line at its south eastern boundary too. An acoustic study demonstrated that the site could be safely developed for housing with a similar bund.

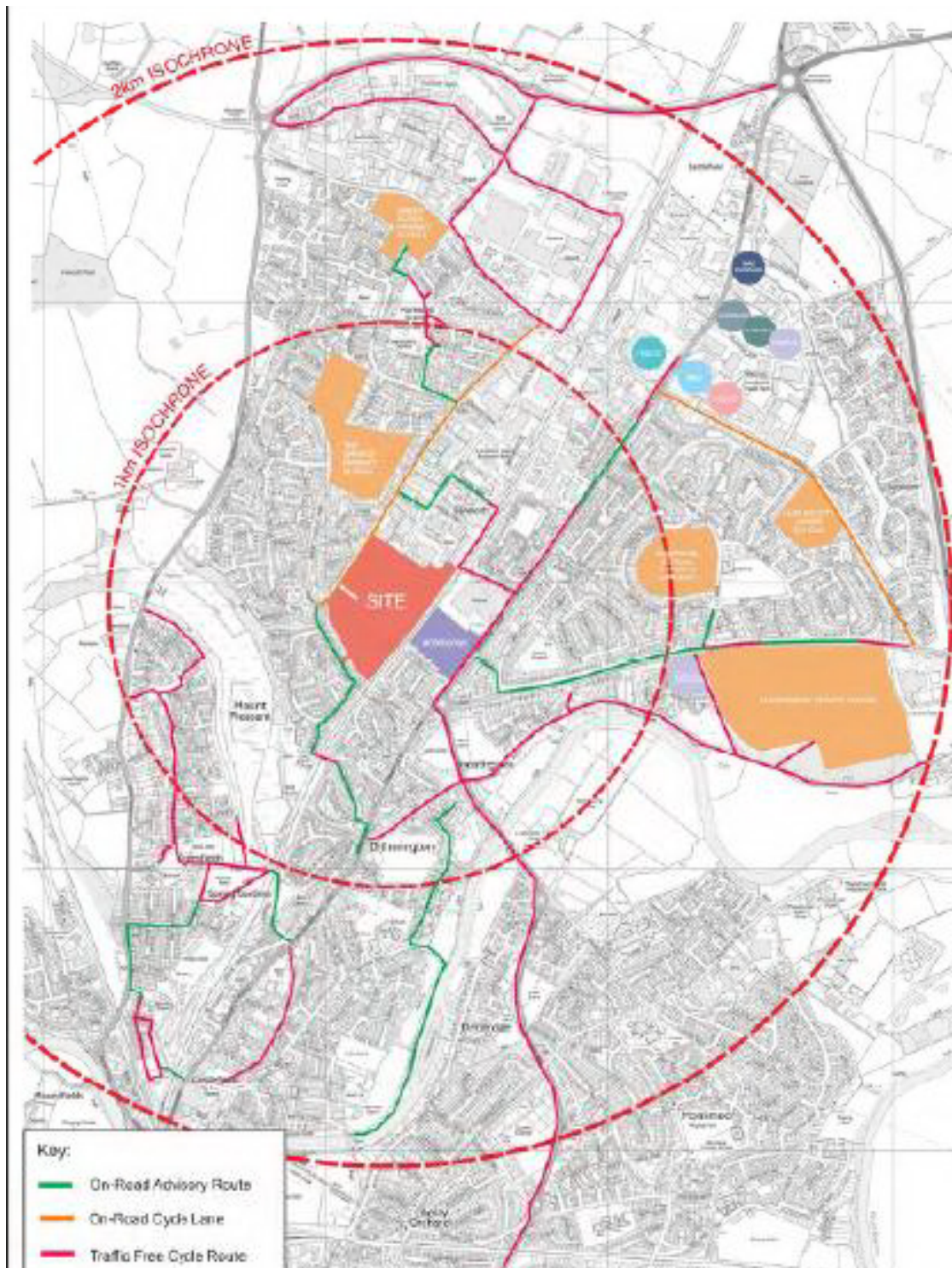
Release of part of the Lancaster Road Employment Area for housing

- 6.1.5 Nonetheless, the site is also located within a Protected Employment Area where SAMDev Plan Policies MD4 and MD9 apply. Policy MD4 seeks to manage and deliver proposals for economic development. Policy MD9 seeks to protect land in such areas from alternative uses. Where proposals for alternative uses would lead to the loss of the protected employment area, evidence of appropriate marketing is required. The applicants have submitted a business case for this new use which suggests why a housing development is the only viable way of investing in the site. This business case provided does not comply with the provisions of this development plan policy when the policy seeks an applicant to conduct a marketing exercise instead.
- 6.1.6 Finally, it is necessary to take into account the potential problem of precedent if this site is released for housing. Would this proposal result in other landowners in the area with protected employment land in the area coming forward to promote housing on their site with consequent impacts on the supply of employment land in Shrewsbury?
- 6.1.7 In response to this question, it is generally accepted that the each planning application must be considered on its own merits. However, in this particular case, the application site covers a relatively small area of a much larger area of protected land and developing it for housing would not prejudice the vitality of the rest of the Protected Employment Area in the way that a housing site in the middle of an employment area might. In addition, the Council proposes to commit the applicant to tie the release of this site for housing to the investment on the rest of the applicant's land (16/04558/FUL) through a s106 agreement to ensure that the release of the land genuinely facilitates the investment on adjacent land. There are other material considerations in this application which are covered below – which amount to material considerations that justify a departure from the development plan in principle. Thus it is considered that this proposal will not materially affect the supply of employment land in Shrewsbury.

6.2 Impact on highway safety and transport

- 6.2.1 The Traffic Assessment (TA) lodged with the application assesses the impact of the proposal on the local road network. In considering this application with the baseline position, it is important to acknowledge that the application seeks to remove traffic associated with a manufacturing use with a high number of HGVs and replace it with a greater proportion of car use associated with housing (initially up to 150 homes) and remodelled for a smaller scheme of up to 140 homes.
- 6.2.2 The modelling assumptions were agreed in advance with the highway authority on trip rates, junction assessments, and identified pedestrian/ cycle accessibility (refer Figure 2 overleaf) and has modelled likely impacts with the wider growth up to 2021. The methodology in preparing the study accords with best industry practice.

Figure 2 – cycle accessibility to site



6.2.3 A 24 hour a day, seven day traffic study of the area was carried out between April and May 2016. This in particular looked at queuing at the Mount Pleasant Road, Lancaster Road and Boscobel Drive roundabout at the peak hour (0800 to 0900 hours) where the queue lengths were assessed to range from 1 to 2 vehicles spread over an hour but extending up to eight car lengths.

6.2.4 Based on the TRICS database (the UK/ Ireland database that records likely vehicle movements from a range of developments) the level of HGVs associated with

industrial uses is 0.39 HGV movements per day (per 100sqm). Building 1 has a floor space of 6,377sqm and thus has a nominal two way flow of **25 HGVs per day** on the local highway network. The site currently generates, with Building 1 vacant, **52 HGVs per day**. The TA predicts that the development will generate **89 two-way** car vehicle trips during the AM peak and **82 two-way** vehicle trips during the PM peak. This will marginally increase waiting time in line with the additional pedestrian safety measures on Mount Pleasant Road.

- 6.2.5 This aspect of the proposal needs to be assessed against a number of development plan policies (most notably, CS Policies CS6 and CS7) as well as advice in the new NPPF. Both CS6 and CS7 seek to promote more sustainable forms of development. The 2018 NPPF places new emphasis on promoting more sustainable forms of transport and attempting to mitigate impacts. At paragraph 109, it officers clear advice to decision makers: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 6.2.6 In this situation, the highway authority advises that there will be some impact but not a severe impact to use the test in the NPPF, even when considered cumulatively. For this reason, officers do not consider there is a reasonable highway objection to this scheme. Moreover, the introduction of new pedestrian safety measures will have other wider benefits in improving pedestrian safety. Officers have reviewed a travel plan submitted with the application and agree that it is necessary to impose one and for the highway authority to monitor it.
- 6.3 **Impact on local infrastructure**
- 6.3.1 A development of up to 140 homes is likely to yield an increase of population of between 320 and 350 people (assuming average household size of 2.3 to 2.5 persons per household).
- 6.3.2 The local area contains a mix of facilities that could support the future redevelopment of the site for residential use. A parade of shops including a florist, convenience store, pharmacy and two hot food takeaways are present on Mount Pleasant Road a short distance to the south west of the site, where the Steam Wagon Public House can also be found at the junction of Lancaster Road and Mount Pleasant Drive. Schools and community facilities including youth centres and places of worship are present in the local area. Further facilities available in Shrewsbury town centre. The site enjoys good public transport links with the nearest bus stop located on Mount Pleasant Road. The stop is served by bus service 25 which operates from Shrewsbury Bus Station in the town centre to Harlescott with a service once every 20 minutes Monday to Saturday. From the town centre, connections can be made to bus services operating within the wider network and to rail services operating from the Rail Station. SC Learning and Skills have confirmed that local schools have spare places to accommodate children likely to live on this site.
- 6.3.3 SAMDev Plan Policy MD2 would require 9,660 sqm of public open space for a development of 140 homes, the maximum yield for the site on the revised

application (assuming an average yield of 2.3 persons per household as indicated in the Census 2011 for Shrewsbury). The illustrative layout shows provision of 8,137 sqm which is a shortfall of 1,523 sqm. To address this, the applicant has offered a commuted sum of £123,494 to upgrade nearby public open space in the area consistent with SC Parks' tariff for negotiation off site contributions.

6.3.4 No detail has been provided at this stage on how the open space on site will be managed. This will be a matter for any future landowner/ developer to address. They may wish to dedicate this to the Council or Town Council to manage subject to an appropriate management arrangement. It is not necessary to address this matter at this stage given the indicative nature of the scheme.

6.4 **Impact on the character and appearance of the area**

6.4.1 The layout is indicative but shows traditional terrace and semi-detached houses at a density of around 32 dwellings per hectare that would not look out of place locally while being capable of meeting design advice in the NPPF (Section 11) and relevant development plan policy when a reserved matters application is submitted. Sufficient space would be retained to protect trees around the established boundaries of the site. Planning conditions would cover these matters.

6.4.2 The proposals have scoped through a heritage statement the likely impact of new housing on nearby listed buildings having identified 1-5 Mount Pleasant - Grade II listed and the Water pump at junction of Sundorne Road and Whitchurch Road which is also Grade II listed. They conclude the proposal will not affect their setting by way of their distance away. Officers concur with this view and consider that the proposal would preserve the special architectural and historical interest of these listed buildings in accordance with Section 16 (2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

6.5 **Impact on residential amenity**

6.5.1 The introduction of housing here will remove land which has been historically used for Use Class B2 activity (general industry) that currently adjoins houses at Mount Pleasant Road. Housing is thus a more compatible use having regard to this sensitive interface than having another Use Class B2 activity on the site (for example, car repairs or food processing).

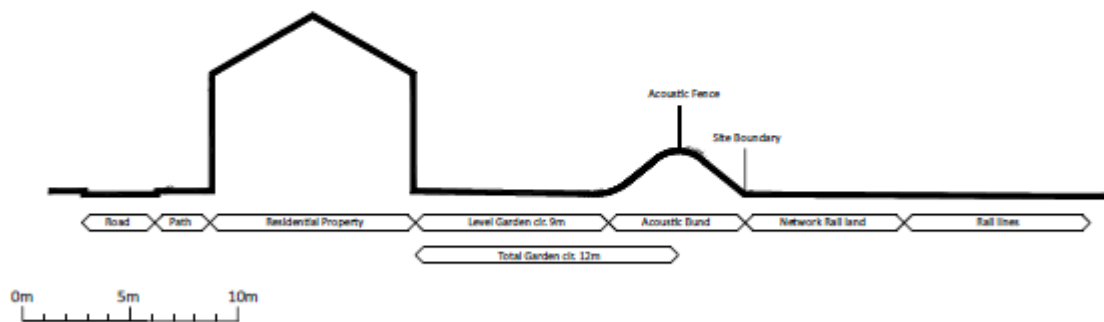
6.5.2 The indicative layout shows that the houses could be designed with a distances in excess of 21m between existing and proposed houses' habitable windows so there will be no loss of privacy using this long established standard. A detailed layout with a yield of up to 140 homes would be likely to address relevant development plan policies (CS Policy CS6 and SAMDev Plan Policy MD2).

6.5.3 It is also important to consider the potential also for residents of this site being affected by the remaining engineering/ manufacturing use on the Caterpillar site and occupying a site with a long history of industrial use. These two matters are considered below.

6.5.4 The applicant on 16/04558/FUL has committed to impose a noise restriction on day and night time activity on the site and the Council's Public Protection officer has

recommended appropriate noise related conditions on the housing site of the surplus part of Caterpillar's site as well as with the railway line to the east (see Figure 3 for illustration). It is submitted that the use of bunds on the shared boundary with the engineering/ manufacturing use may finally result in a lower yield than 140 homes. This will be assessed at reserved matters stage.

Figure 3 Indicative design of acoustic fence relative to the railway line



6.5.5 The site has had a previously contaminative land use. An appropriate contaminated land condition has been imposed at the advice of the Council's Public Protection Officer to investigate this fully and carry out remediation before it is developed for a more sensitive housing development.

6.6 Impact on landscape and trees, biodiversity and ecology

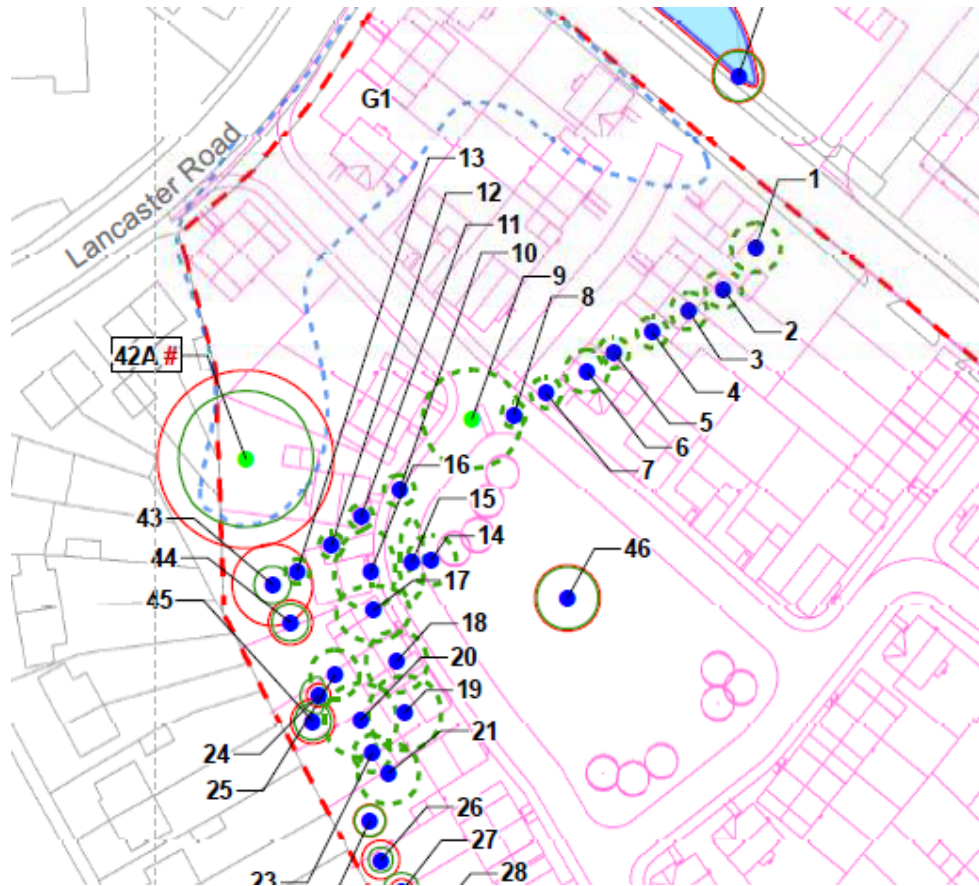
6.6.1 CS Policy CS6 sets out sustainable design and development criteria intended to influence the form of new development so that it respects and enhances local distinctiveness. Bullet point 4 of that policy requires new development to protect, restore, conserve and enhance the natural, built and historic environment. While the site It should also be appropriate in scale, density, pattern and design taking into account the local context and character and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies. CS Policy CS17 and SAMDev Plan Policy MD12 are concerned with protecting environmental networks and features of the natural environment including important trees, landscape character and local distinctiveness.

6.6.2 The county ecologist has reviewed the substantial information submitted with this application, concurs with Natural England that there would be no adverse impact on the Old River Bed Shrewsbury SSSI. However, she has identified opportunities for bat and other mammal/ amphibian habitats. Officers concur with her advice to impose conditions and informatives that seek to preserve these potential habitat sites.

6.6.3 The proposal will result in extensive removal of a large number of trees, most of

which are graded B2 (of moderate quality and therefore worthy of consideration including a cluster of trees on the Lancaster Road frontage referred to as G1 (see Figure 4 overleaf).

Figure 4 Indicative removal of trees affected by the proposal (based on original layout).



Legend

- Category A tree
- Category B tree
- Category B group
- Category B group to be removed
- Tree Protection Order
- Current canopy - tree to be retained
- Current canopy - tree to be removed
- Root Protection Area
- Site boundary

6.6.3 The layout allows for the retention of the established tree line north of the access point onto Mount Pleasant Road. Extra trees will be removed south of this entrance but the indicative setbacks between existing and proposed housing is acceptable. The final layout of housing including measures to protect the root zone of Tree 42A (an oak tree) and any replacement planting will be assessed as a reserved matter.

6.6.4 The Council's Arboriculturalist raises no objection to this aspect of the scheme subject to appropriate replacement planting. It is thus concluded that the proposal would not adversely affect an environmental network or any important trees.

6.6.5 Natural England has confirmed it has no ecological objections to this application either. SC Ecology's has not objected to it either. The ecologist's recommended conditions have been incorporated into the schedule of conditions in Appendix 1 to this report.

6.7 **Drainage and flood risk**

6.7.1 CS Policy CS18 indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance (refer Section 14 of the new NPPF). The site is not in a high risk flood zone. SC SUDS has reviewed the application and the flood risk assessment that accompanies it and supports it subject to it achieving sustainable development principles

6.8 **Affordable housing**

6.8.1 The applicant commits to make provision of 10% affordable housing (14 homes) on site in accord with CS Policies CS9 and CS11 and the Type and Affordability of Housing SPD as well as the advice in the new NPPF.

6.9 **Planning obligation and planning balance**

6.9.1 The following heads of terms for a S106 agreement are proposed to deliver infrastructure and local benefits:

- The applicant will not develop the site for housing in isolation but rather link its development to the start of works on the adjacent scheme (16/04558/FUL) in a phasing arrangement to be agreed;
- Affordable house contribution of 10% i.e. indicatively 14 homes based on 140 dwellings on site, split by tenure consistent with the Type and Affordability of Housing SPD;
- Footpath improvement works under the bridge on Mount Pleasant Road broadly in line with the submitted drawing (see Figure 1);
- £10,000 toward the monitoring of a travel plan;
- A financial contribution of £123,494 to upgrade public open space in the area; and
- £5,000 towards s106 agreement monitoring costs.

- 6.9.2 All cash contributions will be index linked in terms to be agreed between the parties (either RPI or BICS linked).
- 6.9.3 The provision of affordable housing accords with national planning policy as well as Core Strategy Policies CS9 and CS11.
- 6.9.4 The proposed works to the footpath at Mount Pleasant Road and the monitoring of the travel plan reflects the features of the site and the change in traffic flows generated by a housing rather than a Use Class B2 activity. The works to Mount Pleasant Road are not included in the Council's Regulation 123 CIL Schedule. The negotiation of works/ travel planning money is justified to ensure the development addresses development plan policies set out in Core Strategy Policies CS6, CS7 and CS8. The developer will separately need to enter into agreements with the Council under s38 of the Highways Act if the Council is to adopt the final estate layout.
- 6.9.5 The contribution towards upgrading public open space addresses a deficiency of the scheme relative to the policy in SAMDev Plan Policy MD2 and has been negotiated on other sites across the county.
- 6.9.6 This is a relatively straightforward agreement and a contribution of £5,000 to monitor it is appropriate. The applicant has agreed to this. In all other respects, the heads of terms of this agreement are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and relevant SPDs that support the development plan. The sums sought are reasonably related to the development.

7.0 CONCLUSION

- 7.1 This is a finally balanced case. At face value, it represents a departure from the development plan that seeks to protect employment land. However, the local planning authority has an obligation under section 38(6) of the Planning and Compulsory Purchase Act 2004 to take account of other material considerations. These include not just the new NPPF but also the specific business case for this development and the application by the same company on the adjacent site in its ownership (16/04558/FUL). The link between releasing surplus employment land and investment on the site has been made and would be controlled subject to a s106 agreement. The 2018 NPPF has raised new material considerations seeking to promote redundant and surplus brownfield land and the current application performs very strongly in this respect.
- 7.2 Some residents have referred to traffic impacts locally. Officers have very carefully considered this objection. This report has shown that there will be a change in the types of traffic but that the impacts on the road network will not be severe. Indeed, there will be some wider benefits through the introduction of new pedestrian safety measures and waiting measures by the Network Rail bridge. The removal of HGV traffic by introducing housing instead of a Use Class B2 activity on this site will also reduce theoretical risk of bridge strike from tall/ wide vehicles against this bridge.

7.3 Finally, the NPPF advises of the presumption in favour of sustainable development (as defined by the Government). Sustainable development is defined in the NPPF as having three distinct stands: economic; social; and environmental. The applicant has made a strong economic case for releasing this surplus site and investing in the remainder of the site. The delivery of additional housing and extra economic activity through this type of development is a welcome short term economic gain. Socially, the application will support local facilities and provision has been made for investment in off site open space. There are no substantive environmental factors that would justify the refusal of planning permission. Indeed, the reuse of brownfield land tips the balance in favour of the scheme.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. BACKGROUND

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework:

Core Strategy:

CS1 - Strategic Approach
 CS6 - Sustainable Design and Development Principles
 CS7 - Communications and Transport
 CS8 - Facilities, Services and Infrastructure Provision
 CS9 - Infrastructure Contributions
 CS11 - Type and Affordability of housing
 CS13 - Economic Development, Enterprise and Employment
 CS17 - Environmental Networks
 CS19 - Waste Management Infrastructure

SAMDev Plan

MD2 - Sustainable Design
 MD4 – Managing Economic Development
 MD9 - Protecting Employment Areas
 MD12 - Natural Environment
 Settlement: S16 - Shrewsbury

SPD Type and Affordability of Housing
 SPD Developer Contributions

RELEVANT PLANNING HISTORY:

There is an extensive planning history on the site. The most relevant cases appear to be:

10/04989/FUL Removal of 1no exhaust stack from Building 3 and relocate to Building 1
GRANT 11th January 2011

SA/87/0692 Demolition of 575,000 sq ft of existing industrial floorspace and development of a mixed scheme comprising 190,000sq ft general industryfloorspace. Development of 200,000sq ft retail floorspace with car parking, landscaping and new vehicular and pedestrian accesses from Whitchurch Road REFUSE 16th September 1988

SA/88/1162 Demolition of 575,000 sq. ft. of general industrial floorspace and the development of a mixed scheme comprising 190,000 sq. ft of general industrial floorspace, a 70,000 sq.ft. (gross) superstore for the sale of mainly convenience goods and 2.4 to 3.6 hectares of housing at an approximate density of 15 houses per acre (37.5 per ha). REFUSE 12th September 1988

SA/75/0106 To erect single storey stores building (No.1) and joiners shop, approximately 210ft long by 270ft wide x 33ft/34ft high. (This is an amendment in respect to floor levels and roof lines of plans approved on 21/5/1974 Ref: 8260/183/48 (10)). PERCON 4th March 1975

SA/76/0152 Erect bicycle sheds 24.2888m x 7.560m. PERCON 30th March 1976

SA/75/0839 Erection of an electrical sub-station and transformer compound. PERCON 4th November 1975

SA/77/0791 Erection of a chain link security fence, green plastic coated on the south and west sides of the building and galvanised on the east side. PERCON 20th September 1977

SA/02/0690/F Repositioning of effluent treatment plants, erection of unloading gantry, lobby, oil storage tanks, 2 no. compactors, 2 no. portacabins, 3 no. exhaust stacks and external alterations to building PERCON 4th July 2002

Appeal

89/00367/REF Demolition of 575,000 sq. ft. of general industrial floorspace and the development of a mixed scheme comprising 190,000 sq. ft of general industrial floorspace, a 70,000 sq.ft. (gross) superstore for the sale of mainly convenience goods and 2.4 to 3.6 hectares of housing at an approximate density of 15 houses per acre (37.5 per ha). ALLOW 30th November 1989

Appeal

89/00480/REF Demolition of 575,000 sq ft of existing industrial floorspace and development of a mixed scheme comprising 190,000sq ft general industryfloorspace. Development of 200,000sq ft retail floorspace with car parking, landscaping and new vehicular and pedestrian accesses from Whitchurch Road ALLOW 30th November 1989

11. ADDITIONAL INFORMATION

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Ioan Jones

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The first submission of reserved matters shall include a Construction Environmental Management Plan. The submitted plan shall include:
 - a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
 - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) Requirements and proposals for any site lighting required during the construction phase;
 - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
 - e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
 - f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

- vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and the advice in the National Planning Policy Framework.

5. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:
- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works (most notably Tree 42A as shown on the arboricultural assessment accompanying the outline planning application);
 - f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

6. The first submission of reserved matters shall include the submission of a herptile reasonable avoidance measures method statement. All works shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of herptiles.

7. The first submission of reserved matters shall include a lighting plan. The plan shall:
- a) identify those areas/features on site that are particularly sensitive for badgers and bats, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging; and
 - b) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be

clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014).

Reason: To minimise disturbance to bats, which are European Protected Species.

8. The first submission of reserved matters shall include details for the provision of bat and bird boxes. The following boxes shall be erected:
- A minimum of 30 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species.
 - A minimum of 15 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species.

The boxes shall be sited in accordance with the latest guidance and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

9. The development hereby permitted shall be implemented in accordance with the approved plans.

Reason: To avoid doubt and in accordance with good planning.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

10. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

11. Contaminated land
- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

12. Prior to the commencement of the development a Travel Plan demonstrating measures to promote greater use of sustainable transport measures shall be developed and submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved details.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in the National Planning Policy Framework and Shropshire Council Local Development Framework Adopted Core Strategy Policies CS6 and CS7.

13. No development shall take place until a detailed scheme of sound attenuation has been submitted to and approved in writing by the local planning authority. The scheme shall

show measures to be undertaken to protect the living conditions of future residents living in proximity of the Shrewsbury to Crewe railway line and the rest of the Caterpillar site on Lancaster Road. The development shall be implemented in accordance with the approved scheme and the scheme of sound attenuation measures retained at all times whilst the substation is in operation.

Reason: In the interests of amenity and to protect future residents from adjacent potentially incompatible land uses.

14. No development shall proceed until full drainage details, plan and calculations of the surface water drainage proposals consistent with sustainable urban drainage principles have been submitted to the local planning authority for approval in writing. The details shall include any maintenance regime for any sustainable drainage system on the site including who will manage it for the lifetime of its operation.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design and remain in good working order.

15. Notwithstanding the fact that access has been approved, no development shall take place until details of visibility splays between the development and the junctions with Mount Pleasant Road and Lancaster Road have been submitted to and approved in writing by the local planning authority and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junctions and visibility splays shall thereafter be retained free of obstruction.

Reason: In the interests of highway safety.

CONDITION IMPOSED DURING CONSTRUCTION/ BEFORE THE OCCUPATION OF THE DEVELOPMENT

16. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall provide an update to the Badger Method Statement (Middlemarch Environmental, September 2016).

All development, demolition, site clearance, landscaping and biodiversity enhancements shall occur strictly in accordance with the Badger Method Statement (Middlemarch Environmental, September 2016), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of and enhancements for badgers, under the Protection of Badgers Act 1992.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

17. The development shall be for no more than 140 dwellings.

Reason: To accord with the revised nature of the application, in the interests of highway safety and to protect the amenity of residents on Mount Pleasant Road.

Informatives

1. Your attention is drawn to the fact that your development site is close to Network Rail land. You are advised to contact Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.
2. **Disabled needs**
The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.
3. **No drainage to discharge to highway**
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
4. **Works on, within or abutting the public highway**
This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (footway or verge) or
 - carry out any works within the publicly maintained highway, or
 - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
 - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

5. Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any

wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from mid-March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

6. Bats informative

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

During all building renovation, demolition and extension works there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc.

If a bat should be discovered on site then development works must halt and a licensed ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

7. The Council's drainage officer has submitted detailed advice on how to discharge the drainage condition included in this permission. You will be expected to have full regard to and comply with Shropshire Council's Surface Water Management: Interim Guidance for Developers in this respect.
8. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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Committee and date
 Central Planning Committee
 30 August 2018

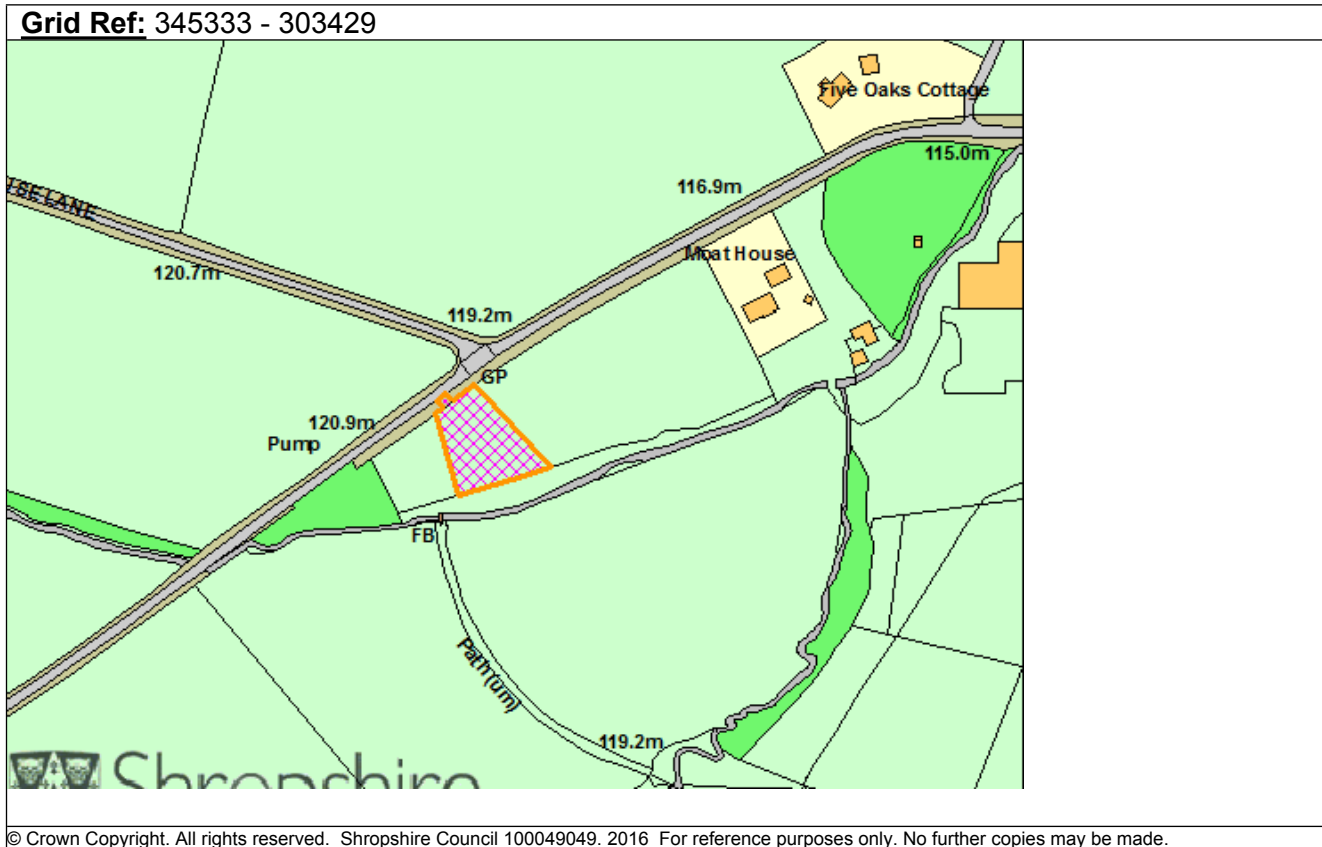
Item
8
 Public

Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/01707/FUL	Parish:	Condover
Proposal: Erection of an affordable dwelling and detached double garage, installation of septic tank		
Site Address: Proposed Affordable Dwelling West Of Moat House Stapleton Dorrington Shropshire		
Applicant: Mr & Mrs Henson		
Case Officer: Frank Whitley	email: planningdmc@shropshire.gov.uk	



Recommendation:- Refuse

Recommended Reason for refusal

1. The proposed development is not within or adjoining a recognisable named settlement and has an unacceptable impact upon the rural character of the area, contrary to the requirements of the Council's Type and Affordability of Housing SPD. In terms of location, there may be a more suitable alternative within the control of the applicant which would provide for the demonstrated housing need. Accordingly, the proposed development represents unwarranted encroachment into the countryside, contrary to the NPPF and the relevant adopted policies of the Council's Core Strategy and SAMDev Plan: CS5, CS11, MD7a.

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission for the Erection of an affordable dwelling and detached double garage, installation of septic tank
1.2	The dwelling is to have typical living accommodation on the ground floor with a porch/hall attached to the front and a small sunroom to the rear. Upstairs there are three bedrooms and outside balcony. Total floor area (excluding balcony on first floor) is 100sqm. The dwelling and garage sit within a plot of 0.1ha.
1.3	The dwelling and garage as first submitted were initially considered too high. Amended plans have been received which show a reduced ridge height of 300mm on the dwelling and 0.5m reduction on the garage.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site is in a countryside location approx. midway between the settlements of Stapleton and Church Pulverbatch. The site forms the western part of a grass field; close, though separated from a group of buildings and dwellings which together are described as "Moat".
2.2	The grass field containing the development is bounded by the minor road to the front, and the Moat brook to the rear, narrowing to its western edge. Consequently, the site is generally screened by existing woodland and hedgerow, which defines the character of the area.
2.3	Beyond the brook to the south of the site is Upper Moat Farm. The site is entirely outside of the brook's flood zone.
2.4	The nearest dwelling is Moat House, approx. 110m to the east, across the grass field which is understood to be in the control of the applicant.

2.5	The application site has an existing field access from the road, which is understood to have once served Moat Cottages and a garage. All that remains now are the collapsed remains of the garage. They are identified on historic maps from 1957, supplied with the application.
2.6	The applicant's brother was granted permission under ref 14/01784/FUL for an affordable dwelling. This dwelling has been completed and is located approx. 200m to the east, on the opposite side of the minor road.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.
4.0	Community Representations
	Consultee Comments
4.1	Parish Council- support Customer made comments in support of the Planning Application Comment Reasons: Comment:At its meeting on 1st May 2018, Condover Parish Council resolved to make no comment
4.2	Affordable Housing- support Consultation comment concludes: Mr and Mrs Henson have therefore demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability they are unable to meet their own housing need within the Parish without assistance from this policy.
4.3	Rights of Way- no objection subject to informatives
4.4	SUDS- no objection subject to conditions and informatives
4.5	Highways- no objection subject to conditions and informatives
4.6	Ecology- no objections subject to conditions and informatives
4.7	Public Comments Two representations in support have been received ☒ Young family with strong local connections

	<ul style="list-style-type: none"> ☐ Property would be well screened ☐ Would replace tatty outbuilding currently on the plot ☐ Would fit well into the landscape ☐ Applicants are upstanding members of the community
5.0	THE MAIN ISSUES
	<p>Principle of development</p> <p>Siting, scale and design</p> <p>Visual impact and landscaping</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Shropshire Council Core Strategy Planning Policies CS1, CS5 and CS11, allow for the building of affordable dwellings on rural ‘exception sites’ to meet specific local needs. The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes with emphasis on rural housing in paras 77-79.
6.1.2	Policy MD7a (Managing Housing Development in the Countryside) of the Site Allocations and Management of Development (SAMDev) Plan states that the long term affordability of single plot exception dwellings will be protected.
6.1.3	According to the SPD Type and Affordability of Housing (SPD), rural exception sites are generally required to be within or adjoining “recognisable named settlements” and should not constitute isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character.
6.1.4	It is noted that permission has been granted for a similar affordable dwelling nearby under ref 14/01784/FUL. Accordingly, to the extent that Moat is deemed to be a settlement according to the requirements of the SPD, 14/01784/FUL gives significant weight to establishing the principle of development.
6.1.5	The applicant has produced correspondence from a former Area Planning Manager who considered in 2013 that the application site met policy requirements, at least in principle. This advice would have been given in the context of the 2012 NPPF, Core Strategy, SPD Type and Affordability of Housing, though not the current SAMDev Plan which was adopted in 2015.
6.1.6	The application is supported by the Parish Council.
6.1.7	The principle of development at Moat is therefore established.

6.2	Siting, scale and design
6.2.1	The NPPF (Chapter 12) seeks to achieve well designed places and high quality buildings.
6.2.2	The SPD states that exception sites must be demonstrably part of, or adjacent to, a recognisable named settlement. Development should be in harmony with the character of the area, of a suitable design and construction materials and appropriate to its location.
6.2.3	The dwelling is to be positioned approx. 110m west of the Moat House across an open field. The site is the preferred option of the applicant, being one of four option sites put forward in pre-application discussion in early 2017. Another site suggested by the applicant at the time was immediately adjacent to Moat House. Officers considered this to be a far better location since the dwelling would form a closer association with the existing buildings of Moat.
6.2.4	The other two sites discussed at pre-application stage were: <ul style="list-style-type: none"> ❑ In an area of woodland at risk of flooding between Moat House and farm buildings to the east. ❑ In a position approx. opposite Moat House, adjacent to the existing exception dwelling approved under ref 14/01784/FUL.
6.2.5	Given the above, the Council's pre-application response of 2017 informed the applicant that a site next to the Moat House was the most suitable and would be the only option likely to receive Council support in terms of site specific issues.
6.2.6	There are no known material planning reasons why the site immediately next to Moat House cannot be supported by Officers.
6.2.7	It is not entirely clear why the applicant has departed from earlier advice. However Officers have discussed with the applicant a potential solution immediately adjacent to the Moat House, whereby a sufficient level of privacy could be secured by boundary hedge planting, landscaping, or positioning of the garage against the boundary, thus achieving quite satisfactory separation between neighbours. At the same time, the proposed dwelling and garage would better integrate with Moat.
6.2.8	The applicant has sought to justify the location proposed, in part because the dwelling would be served by an existing field access. It is accepted that Officers' preferred location would require formation of a new access through an existing roadside hedge. Equally though the proposed location would appear to threaten a tree between the access and adjacent public footpath, and a further tree to the rear of the site. On balance, together with locational issues they are considered to outweigh the limited harm from removal of a short section of hedge.
6.2.9	The applicant has also placed weight on historical references to Moat Cottages,

	and that the dwelling would remove an unsightly outbuilding. There is no visible trace of Moat Cottages therefore little weight can be placed on its remains in this location. Similarly, if the collapsed outbuilding is considered desirable to remove, it could easily be done so without developing the site.
6.2.10	Officers do not consider the proposed position for the dwelling has been adequately justified, and in any event there appears to be a viable alternative which closer aligns with the settlement strategy and related planning policies. This viable alternative has been discussed in detail and as far as Officers are aware, remains a realistic option for the applicant to pursue.
6.2.11	The dwelling now proposed would stand rather isolated from Moat, and as far as it can be described as a settlement, represents unwarranted encroachment into more open countryside.
6.2.12	CS6 and MD2 together seek to secure sustainable development and design.
6.2.13	In terms of its construction, the dwelling is to be clad using a combination of facing brick and dark stained timber cladding, under a slate roof. Together with aluminium window frames, oak frame balcony and extensive glazing, the dwelling has a more contemporary, rather than traditional design. Despite this, materials are high quality.
6.2.14	The double garage is to have two timber doors and an adjoining log store, constructed from similar materials.
6.2.15	Setting aside locational issues, the overall design of the dwelling is on balance acceptable and in accordance with CS6 and MD2. Officers consider that a dwelling of reduced height could be preferable, and this could also dispense with the void in the roof space. As it stands however, the value of the roof space for additional domestic use is very limited since there are no window openings. A further application would be necessary to install additional windows.
6.3	Visual impact and landscaping
6.3.1	Linked to the settlement strategy, is the visual impact of a new full height two storey dwelling in a more isolated countryside location and on a lane which passes through noticeably undeveloped farmland. The dwelling and garage would be visually prominent from the highway, and would represent unjustified development in an area characterised by enclosed pasture and farmland. Officers note there are extremely few dwellings situated on the lane to the west towards Church Pulverbatch and Pulverbatch.
6.3.2	To some extent, visual harm from the full height dwelling and garage in this location can be mitigated by additional tree planting, though the scope is not considered sufficient to outweigh the general requirements to protect the countryside as per CS5.

7.0	CONCLUSION
7.1	Officers acknowledge the applicant has demonstrated a housing need.
7.2	However most importantly, there appears to be a realistic alternative in meeting the identified housing need while still achieving the requirements of CS5 and settlement strategy related policies. This alternative option was put forward at the pre-application stage and remains open for the applicant to pursue. Officers therefore conclude the identified housing need should not outweigh conflict with the collective requirements of the NPPF, CS5, CS11, MD7a and the Type and Affordability of Housing SPD.
7.3	Planning permission is recommended refused.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be

	<p>balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/16/00621 Single plot exception site PREAIP 27th January 2017

18/01707/FUL Erection of an affordable dwelling and detached double garage, installation of septic tank PDE

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Dan Morris

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

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Committee and date
 Central Planning Committee
 30 August 2018

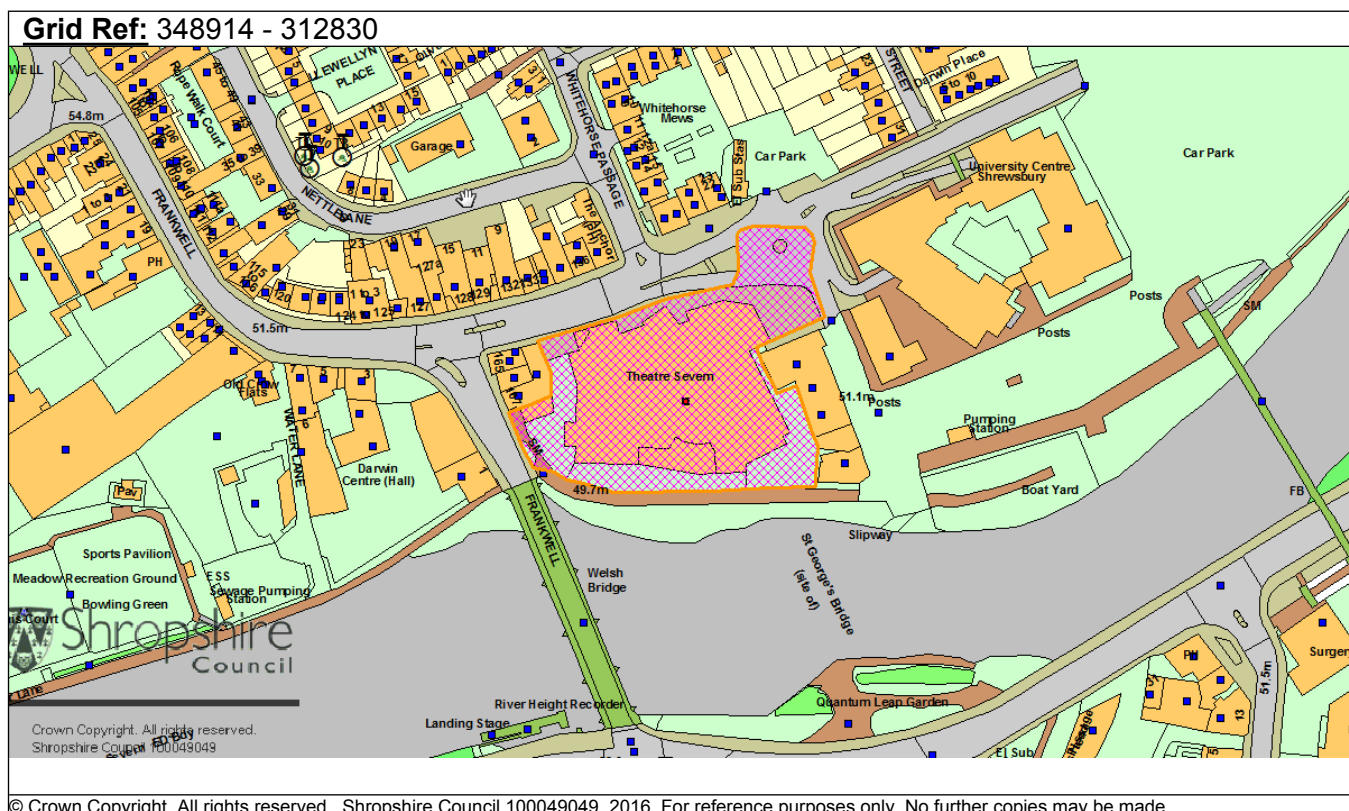
Item
9
 Public

Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/02941/FUL	Parish: Shrewsbury Town Council
Proposal: Installation of steel external steps from the first floor level to ground level	
Site Address: Theatre Severn Frankwell Quay Shrewsbury SY3 8FT	
Applicant: Shropshire Council	
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk



Recommendation: - Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the provision of steel external steps from the first floor level to ground level.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Theatre Severn is located within the Frankwell Special Character Area of the Shrewsbury Conservation Area, and within a particularly prominent location on the River Severn adjacent to the grade II* listed Welsh Bridge, as well as the non-designated heritage asset Maltings immediately to the east.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The agent is Property Services Group, Shropshire Council acting on behalf of their internal client, Asset and Estate Management, Shropshire Council.
- 3.2 The proposal does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the application is made by the Council (or it relates to land owned by the Council) for development that is not in line with statutory functions.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments

Archaeology (Historic Environment)

Have no comments to make on this application with respect to archaeological matters.

Conservation (Historic Environment)

No objection.

Rights Of Way

Have no comments to make on this application.

- 4.2 -Town Council

The Town Council raises no objections to this application.

- 4.3 - Public Comments

One neighbour has been consulted; a site notice placed by officers on 06.07.18;

and a notice published. No public comments have been received at the time of writing this report.

5.0 THE MAIN ISSUES

Principle of development
Design, Scale and Character
Impact on Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 In considering this proposal due regard and consideration is given to local policies CS6, CS17, MD2 and MD13, the National Planning Policy Framework (NPPF), Historic England Guidance, and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.

6.2.3 Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

6.2.4 In addition, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.2.5 The proposed scheme relates to the addition of grey powder coated steel escape stairs and doors to the east elevation of the Theatre Severn. Whilst this is a sensitive location in respect of the Shrewsbury conservation area and both designated and non-designated assets adjacent, its wider visibility will be limited given its location on the east elevation where it will be largely screened from view,

particularly in relation to the Welsh Bridge, Frankwell and wider conservation area. As such it is considered to have a negligible impact where taking the above policies and legislation into account.

6.3 Impact on Residential Amenity

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The proposal is considered accords with the relevant parts of CS6 and is therefore acceptable.

7.0 CONCLUSION

The proposed scale, design and appearance of the works is considered will respect the existing character of the theatre and will not result in visual impact or cause any detrimental impact on neighbouring properties or the Conservation Area. As such the proposal is considered to be in accordance with the NPPF and policies CS6, CS17, MD2 and MD13 of the Shropshire LDF.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol

Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. BACKGROUND

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

09/02174/ADV Erect and display non illuminated box lettering sign GRADV 28th October 2009
HEPRE/18/00031 Works to change cladding to flood wall in front of Theatre Severn PPNREQ
6th February 2018

18/02941/FUL Installation of steel external steps from the first floor level to ground level PDE
 SA/94/0340 Erection of a two storey extension to rear of property after removal of existing portable building and erection of an external steel escape staircase. PERCON 27th April 1994
 SA/08/1363/ADV Erect and display 4 non illuminated fascia lettering signs PERCON 19th January 2009

SA/07/1098/TPO To remove and replace two sycamore trees protected by SABC (Frankwell) TPO 1970 PERCON 3rd September 2007

SA/06/0993/DDM Erection of a new entertainment venue and retention of old chapel to provide a main auditorium of 650 seats, a studio theatre of 250 seats and a dance studio with ancillary support facilities (Use Class D2); licensed cafe/bars (Use Class A4) and associated highways improvements including new access arrangements and relocation of existing mini roundabout, following demolition of existing buildings (Amendment to planning permission reference 05/0880/DDM granted on the 18th January 2006) PERCON 22nd September 2006

SA/06/0332/DDM Application for Conservation Area Consent to demolish a modern stone wall and reinstatement of existing timber hoarding (approved under application 04/1586/DDM) to secure the site. PERCON 26th April 2006

SA/06/0179/DDM Conservation Area Consent to demolish a detached brick building and random stone wall PERCON 8th March 2006

SA/05/0880/DDM Erection of a new entertainment venue and retention of old chapel to provide a main auditorium of 650 seats, a studio theatre of 250 seats and a dance studio with ancillary support facilities (Use Class D2); licensed cafe/bars (Use Class A4) and associated highways improvements including new access arrangements and relocation of existing mini roundabout, following demolition of existing buildings PERCON 18th January 2006

SA/04/1588/DDM Application for Conservation area consent to demolish several existing buildings and thereafter erect timber hoardings (applied for under application 04/1586/DDM) to secure the site PERCON 8th December 2004

SA/04/1586/DDM Erection of 2.5m and 3m high timber hoarding to secure perimeter of site following demolition of existing buildings (applied for under Conservation Area Consent Application 04/1588/CON) PERCON 8th December 2004

11. ADDITIONAL INFORMATION

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Julian Dean
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. The external materials and their colour shall be provided strictly in accordance with the details indicated in the submitted application form and on the approved plans.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.
2. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

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<u>Committee and date</u>
Central Planning Committee
30 August 2018

<u>Item</u>
10
Public

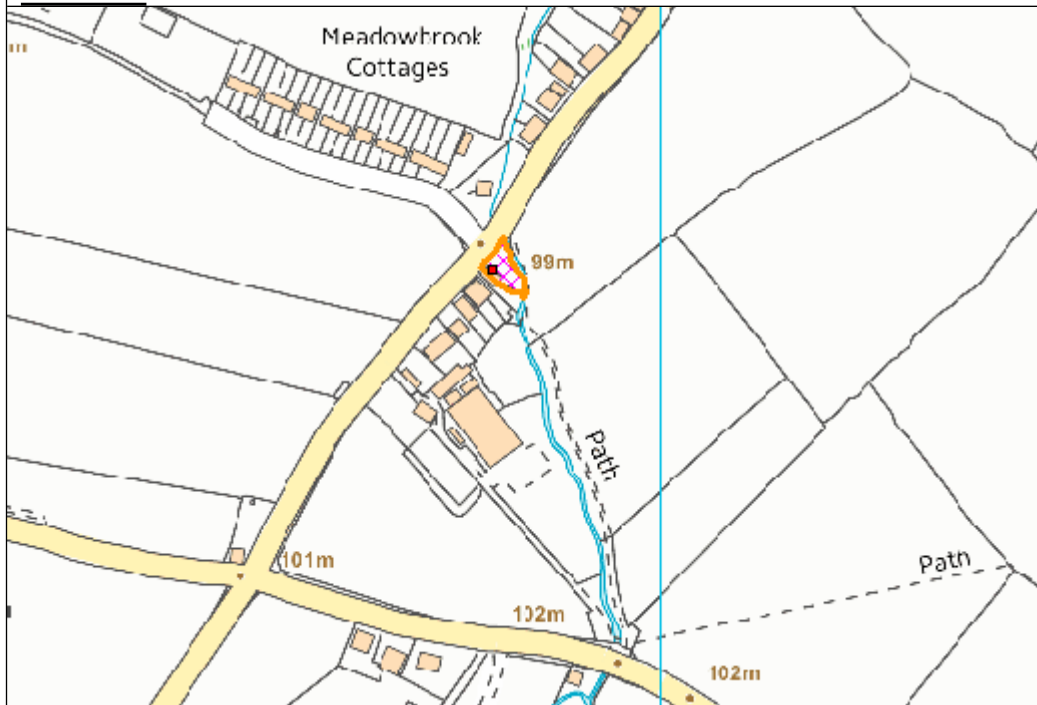
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 18/02015/FUL	<u>Parish:</u> Longden
<u>Proposal:</u> Erection of a two storey side extension and porch to front	
<u>Site Address:</u> 1 Ferndale Annscroft Shrewsbury Shropshire SY5 8AT	
<u>Applicant:</u> Mr & Mrs Paul Stack	
<u>Case Officer:</u> Alison Tichford	<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 344888 - 307435



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0	THE PROPOSAL
1.1	The application relates to the erection of a two storey side extension to provide an enlarged kitchen area and first floor bedroom, the bricking up of the existing front door to the property, and a new door with porch to the front elevation.
1.2	Revised drawings were received during the course of the application which set the 2 storey extension back from the front elevation and abutting the side wall rather than contiguously extending the roof, while introducing a Juliet balcony to the side elevation.
2.0	SITE LOCATION/DESCRIPTION
2.1	The existing early C20 brick and tile semi-detached dwelling is located towards the southern end of the village of Annscroft, adjacent to the class C road from Shrewsbury through Longden and Pulverbach and on towards Bishopscastle, The immediately adjacent semi lies to the south-west of the property, and a further pair of matching semis lie to the south west again.
2.2	The dwelling already has a rear conservatory extension which extends past the side elevation of the property so as to be visible from the front elevation. There is a parking area to the north east side of the dwelling with vehicular access to the driveway from the classified road, and an outbuilding/car port to the boundary.
2.3	The side vehicular access lies opposite the road providing access to Meadowbrook Cottages to the north west. A large detached dwelling, The Mallards, lies opposite on the other side of the road in a large corner plot, and further east the property has an outlook towards pasture land.
2.4	A water course runs along the rear and north east side boundary, and the site lies within Flood Zone 3. There are mature trees along the banks of the water course and adjacent to the dwelling's boundary, and beyond there are cultivated fields.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The development is proposed by a relevant staff member outwith the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.
4.0	COMMUNITY REPRESENTATIONS
4.1	Consultee Response
4.1.1	SC Flood and Water Management provided informative advice suggesting that as the site is in flood zone 3, the applicant should ensure that the finished floor level is no lower than the existing building, or that the floor level of the extension is set 600 mm above the known or modelled 1 in 100 year flood

	level.
4.1.2	SC Trees The proposed development will not have a negative impact on any significant tree or arboricultural feature and no objection is raised.
4.1.3	SC Ecology Consultees requested a bat survey report which was submitted on 24 th July. Ecology consultees are satisfied with this information, and have provided informative advice as to bats and nesting birds which will be added to any grant of planning permission.
4.2	Public Response
4.2.1	2 neighbouring properties have been advised as regards the proposal and no comments have been received as a result of this publicity.
4.2.2	Longden Parish Council have made comments in support of the application.
5.0	THE MAIN ISSUES
	Principle of development Design and Scale Residential Amenity
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Annscroft is part of the Longden Community Cluster and there is a general presumption within the development plan policy in favour of domestic extensions and alterations. Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard local amenity and ensure sustainable design and construction principles are incorporated within the new development. In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
6.2	Design, Scale and Character
6.2.1	The two existing pairs of semi-detached red brick dwellings have an existing attractive homogeneity, with brick headers around matching shaped ground floor windows and doors. The proposed side extension will take up some existing pathway area to the immediate side of the house, and some driveway area.
6.2.2	The original drawings showed a contiguous roof to the front elevation, albeit of

	reduced ridge height, and revisions received during the course of the application have amended this to set back the new extension from the front elevation, ensuring it is more subservient in appearance, and that loft areas to the existing house are not disturbed.
6.2.3	The revised drawings indicate that the existing property has a base footprint of 7.9m depth x 5.3m width, with a cloaks/utility outrigger to the groundfloor, as well as the more recent conservatory addition. The proposed 2 storey extension is 6.6m deep, and 4.6m wide, with ridge height 0.9m appx lower than the existing principal ridge line, and does significantly increase the size of the existing dwelling, but its revised design and character will enable it to sit comfortably with the existing house and its adjacent partner, and it is not considered inappropriate in this location, while providing a more modern spatial standard for the dwelling.
6.2.4	The extension will not result in a significant loss of garden area and an appropriate level of amenity space for the enlarged dwelling will remain. The extension is being developed in an existing driveway area, and may reduce turning area a little, but ample space remains to enable vehicular turning within the confines of the property.
6.2.5	A new front door with porch is planned to the front of the new side extension, with the porch extending forward of the existing front elevation by appx. 0.80m. The existing front door is to be bricked in reveal, so that the original front door position and the symmetry of the original pair of semi-detached properties can remain visible. While the porch is not ideal, in that its increased depth and dual pitched roof will be rather prominent when viewing the pair of semis, and cause some sense of imbalance, the roof does enable the headers to the original house to be reflected to the door and glazing to the porch and extension, such that it will not be completely out of character to the existing house.
6.2.6	The revised plans indicate a Juliet balcony of maximum depth of 30cm appx, with opening double doors behind to the side north-east elevation. This is set appx. 4m back from the front elevation to the side extension, and will not be visually prominent in views from the public realm.
6.2.7	It will be appropriate to add a condition as to materials to ensure that the proposed extension and porch will be built from matching materials which will be sympathetic to the existing character of the property.
6.3	Impact on Residential Amenity
6.3.1	<p>Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.</p> <p>The proposed layout, design and scale of the extension in relation to the boundary will not result in any detrimental overbearing impact, loss of outlook, loss of light, or shadowing. No increase in noise disturbance is anticipated.</p> <p>Having regard to the proposed orientation and distance away from neighbouring properties the proposed new windows and balcony will not result in any detrimental impact from overlooking or loss of privacy.</p>

7.0	CONCLUSION
7.1	<p>The proposed scale, design and appearance of the extensions will respect the existing character of the dwelling and will not result in visual impact or cause any detrimental impact on neighbouring properties. The proposed development is therefore considered to accord with the requirements of the adopted Core Strategy Policy CS6 and SAMDev Policy MD02.</p> <p>Recommend permission is granted.</p>
8.0	RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. <input type="checkbox"/> The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination of application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p>

	<p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of ‘relevant considerations’ that need to be weighed in Planning Committee members’ minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
 CS6 - Sustainable Design and Development Principles
 MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

18/02015/FUL Erection of a two storey side extension and porch to front PDE

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Roger Evans

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the above ground works commencing photographs of the roofing materials and the materials to be used in the construction of the external walls shown against the existing roof/walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

2. To minimise the risk of fluvial flooding the applicant should ensure that the finished floor level to the extension

is no lower than the existing building, or that the floor level of the extension is set 600mm above the known or modelled 1 in 100 year flood level.

3. All bat species found in the UK are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such

offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed. Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

4. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

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<u>Committee and date</u>
Central Planning Committee
30 August 2018

<u>Item</u>
11
Public

Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 18/02910/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Creation of larger car parking area and the provision of lock up storage unit		
<u>Site Address:</u> Conduit Head Nobold Lane Shrewsbury SY5 8NP		
<u>Applicant:</u> Shropshire Beekeepers Association		
<u>Case Officer:</u> Alison Tichford	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 347216 - 311111



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0	THE PROPOSAL
1.1	<p>This application seeks planning permission for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the extension of an existing small car parking area by a linear area appx. 30m x 7m on existing grassland within the application site, in order to enable safe parking and movement of vehicles <input type="checkbox"/> the provision of a lock up storage unit. appx 10.6 metres long, 3 metres deep, and 2.4m high to provide safe and secure storage of materials and equipment. ,
1.2	<p>The site is owned by Shropshire Council, and leased by the Shropshire Beekeepers Association (a registered charitable organisation and one of the oldest beekeeping organisations in the country) as an apiary, for members' meetings, and for training events and other special events open to members of the public.</p>
2.0	SITE LOCATION/DESCRIPTION
2.1	<p>The 0.6 hectare site is accessed from Nobold Lane to the south across land owned by Severn Water. There is a field with radio mast and station to the north east, and a wood further to the north, a small light industrial area to the east, while to the north east the Radbrook-Mousecroft Lane Wildlife Site extends over 16 acres. The nearest residential dwellings are appx. 160m from the site.</p>
2.1	<p>The existing site has been in use as an apiary since 2016. Prior to that the site had been vacant for several years, although previously used by SABC as a storage area for wheelie bins, and previously to that as a countryside depot. The site would appear to have been used as a visitor centre in the 1980s.</p>
2.2	<p>The rear of the site is occupied by the early wells and collecting tank which provided a source of water for Shrewsbury from 1556, and includes a small building of timber frame and sandstone construction dating from 1578 which contains the collecting tank, and which is Grade II listed. A number of the attractive and decorative urban conduit heads associated with this system still survive at key points within the town and are themselves each Grade II listed.</p>
2.3	<p>There is a further small building on site, which has been refurbished and is being used for members' meetings and events, as well as wooden walkway structures dating from the 1980s visitor centre days. Otherwise the site comprises grassland with hives, and areas of shrubs and plants.</p>
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	<p>The scheme is proposed on Council owned land but is not in line with statutory functions and is therefore to be determined by Planning Committee as set out in</p>

	Part 8 of the Shropshire Council Constitution.
4.0	COMMUNITY REPRESENTATIONS
4.1	Consultee Response
4.1.1	SC Flood and Water Management have no objection to the proposed works, and have provided informative advice.
4.1.2	SC Ecology have no objection but have requested some conditions with regard to bat boxes and any future external lighting and have provided informative advice to be included on any grant of planning permission.
4.1.3	SC Conservation have provided comments indicating support of the application, but requesting that the car parking surface should be soft gravel or similar, that there should be no tarmac or lining of parking spaces, and that the container should be decorated as stated and kept in good repair.
4.1.4	SC Trees have no objection to the proposal.
4.2	Public Response
4.2.1	A site notice has been posted for the required period and no comments have been received as a result of this publicity.
4.2.2	Shrewsbury Town Council has made comments neither objecting to nor supporting the application.
5.0	THE MAIN ISSUES
5.1	Principle of development Design and Scale Residential Amenity
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
6.1.2	Shropshire Council Site Allocations and Management of Development (SAMDev) Plan was adopted on 17 December 2015. The SAMDev Plan document sets out

	Development Management policies which provide specific guidance to meet national policy requirements principally in the NPPF or to provide more detailed guidance to supplement those policies already adopted in the Core Strategy.
6.1.3	<p>The site falls outside any defined development boundary or Community Cluster and is therefore identified as being in open countryside under SAMDev Policy MD1 and 2. Policy CS5 in the Shropshire Core Strategy, supported by SAMDev Policy 7b, indicates that new development in open countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. However, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted, subject also the considerations of Policy CS6, where they improve the sustainability of rural communities by bringing local economic and community benefits. Particular reference is made to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> agricultural related development <input type="checkbox"/> sustainable rural leisure and recreation proposals which require a countryside location in accordance with policies CS16 (Tourism, Culture and Leisure) and 17 (Environmental Networks). <input type="checkbox"/> required community uses and infrastructure which cannot be accommodated within settlements
6.1.4	Policy CS16 supports new leisure facilities that are appropriate to their location and which will enhance and protect the existing offer within Shropshire.
6.1.5	Policy CS17 requires development to identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a network of natural and historic resources.
6.1.6	The proposed works will support a rural community proposal requiring a countryside location, and contributing to leisure choices within Shropshire. The works will also support agriculture to some extent, as well as enabling the participation of Association members in the enhancement of Shropshire's environmental assets. The proposed works are deemed acceptable in principle.
6.2	Design, Scale and Character
6.2.1	The proposed works affect a listed building or its setting and have the potential to impact on these heritage assets. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17, SAMDev Policies MD2 and 13, and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6.2.2	Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard local amenity and ensure sustainable design and construction principles are incorporated within the new development. In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how

	sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
6.2.3	The storage unit has been donated to the Association, and is appx 10.6 metres long, 3 metres deep, and 2.4m high. It is constructed from tin sheet with acrylic windows and wire mesh protection, and was in previous use on a construction site. It will be jet washed and painted green, and will be used to store equipment for beekeeping, shows, and presentations. It will be located towards the boundary of the site easily accessible from the car park, but screened by hedging and trees from other areas of the site, including the listed building. The storage unit will have minimal visual impact within the wide landscape nor will it impact upon the setting of the listed building. .
6.2.4	The car parking area will be excavated from the grassland to enable direct access from the access road, and will be constructed with a compacted hardcore base, topped with a layer of 25-dust fine material, with no marked bays, to provide a permeable and sustainable drainage surface, sympathetic to the existing rural character of the site. There are 5 existing car parking spaces, and the extension to the car park area will enable a further 13 spaces, providing increased capacity for member events and training days.
6.2.5	The site has suffered from vandalism for some time and occupation by the beekeepers is a positive step towards helping keep this historic site more secure, and to ensure the long term maintenance of the listed building.
6.2.6	SC Ecology, Conservation, Flood and Water Management, and Trees consultees have no objection to the proposal.
6.2.7	The proposed scale, design and appearance of the works will respect the existing character of the site and will not result in any detrimental visual impact in the locality or on the setting of the listed building.
6.3	Impact on Residential Amenity
6.3.1	Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The site is located at least 160m from any residential property, and will have no impact on the amenity they currently enjoy. The proposed extension to the car parking will alleviate current parking problems on the site, and reduce traffic movements, and possibly avoid a build up of traffic outside the site, thus improving traffic safety within and perhaps outside the site.
7.0	CONCLUSION
7.1	The proposed works will support a rural community proposal requiring a countryside location, and contributing to leisure choices within Shropshire. The works will also support agriculture to some extent, as well as enabling the participation of Association members in the enhancement of Shropshire’s environmental assets.

	<p>The proposed scale, design and appearance of the works will respect the existing character of the site and will not result in any detriment to the setting of the Listed Building on site, any significant visual impact within the landscape, or cause any detrimental impact on neighbouring properties.</p> <p>The proposed development is therefore considered to accord with the requirements of the adopted Core Strategy Policy CS5, 6 and 17 and SAMDev Policies MD02 and 13.</p> <p>Recommend permission is granted, with conditions as to planting, bat boxes, external lighting, the finish to the storage container and the parking area</p>
8.0	RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. <input type="checkbox"/> The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination of application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development</p>

	<p>of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD13 - Historic Environment
 MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

18/02910/FUL Creation of larger car parking area and the provision of lock up storage unit PDE SA/85/0632 Alterations to convert the site and existing buildings into a 'Visitors Centre'.

PERCON 30th August 1985

SA/85/0601 Alterations to convert the site and existing buildings into a 'Visitors Centre'.

PERCON 30th August 1985

SA/80/0709 General improvements of disused water tank building and wells. PERCON 28th August 1980

SA/06/0726/F Change of use of land to civil engineering contractor's yard and erection of workshop and storage buildings and construction of associated hardstandings WDN 30th August 2006

18/02910/FUL Creation of larger car parking area and the provision of lock up storage unit PDE SA/85/0632 Alterations to convert the site and existing buildings into a 'Visitors Centre'.

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SA/06/0726/F Change of use of land to civil engineering contractor's yard and erection of workshop and storage buildings and construction of associated hardstandings WDN 30th August 2006

August 2006

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Keith Roberts
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Within 6 months of the development commencing, planting plans for the car park and container area will be provided to the local planning authority for their approval. These planting plans will be implemented within 8 months of their approval, and will be maintained as approved.

Reason: To soften the impact of the new car parking area and storage container and improve the visual amenity within the site as well as enhance the setting of the heritage asset.

4. Within 6 months of the development commencing, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

5. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be

designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

6. The container here permitted to be used for storing equipment on site shall be painted green and maintained in good repair.

Reason: In the interests of certainty and to maintain visual amenity within this rural landscape and in the setting of the heritage asset.

7. The parking area shall be constructed of compacted hardcore, and shall be surface finished with a layer of 25 dust fine material.

Reason: In the interests of certainty and to maintain visual amenity within this rural landscape and in the setting of the heritage asset.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

4. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

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<u>Committee and date</u>
Central Planning Committee
30 August 2018

<u>Item</u>
12
Public

Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

LPA reference	17/05992/FUL
Appeal against	Appeal Against Refusal
Appellant	R J Randles And Daughter
Proposal	Erection of a primary agricultural workers dwelling with detached double garage
Location	Proposed Agricultural Workers Dwelling At Oakfield Farm Cruckton Shrewsbury Shropshire
Date of application	14.12.2017
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	08.03.2018
Date of appeal	25.05.2018
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

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